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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 29, No. 3

JULY, 1946

An Architectural History of the Royal Hospital and the Ursuline Convent of New Orleans, by Samuel Wilson, Jr.

Opera in New Orleans in Days of Yore, by André Lafargue.

The Life and Public Service of E. John Ellis, by Robert Cinnamon Tucker.

New Orleans Newspapermen of Yesterday, by John Smith Kendall.

Book Reviews.

Index to the Spanish Judicial Records of Louisiana, LXXXIV, July, 1785, by Laura L. Porteous, Marginal Notes by Walter Prichard.

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THE LOUISIANA HISTORICAL QUARTERLY

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AN ARCHITECTURAL HISTORY OF THE ROYAL HOSPITAL AND THE URSULINE CONVENT OF NEW ORLEANS

By SAMUEL WILSON, JR.

In tracing the history of the Order of Ursuline Nuns in New Orleans, a remarkably complete history of the architectural development of the city may also be traced. Characteristic buildings representing every phase of the development have been occupied by this religious order whose establishment had its beginnings in the very foundations of the colony.

I. THE HOSPITAL

Although New Orleans had been founded by Bienville in 1718, it was not until the arrival at Biloxi of the engineers de la Tour, de Pauger, de Boispinol and de Chaville that any real steps were taken for its development. Adrien de Pauger arrived at the site in 1721 to lay out the plan of the city as prepared by Lé Blond de la Tour, and among the first constructions completed in 1722 after being damaged in a hurricane was a military hospital. This small building of fifty by twenty feet, built of a heavy wood frame and raised a foot or two above the ground on wood foundations, was located on the Quay facing the river at the corner of Arsenal Street (now Ursuline), it then being the intention to locate the arsenal and barracks in the square below, now occupied by the convent of the Ursulines. This hospital, shown on a drawing by de la Tour of January 3, 1723, because one of the most important establishments of the town, and its cost was reported as follows:

Statement of the expenses made for the construction of the buildings done at New Orleans since the first of July until the last of December of the same year 1722. . . .

[Extract] A building of fifty feet of length and twenty feet of width, serving as a hospital and destined to make the left wing of the projected building corps.... 544# 5s 0¢

Provisional kitchen made at the side of the said hospital 48# 19s 10¢

New Orleans—Feb. 5, 1723.

De Pauger.

seen

Leblond de la Tour.¹

The hospital was soon so overcrowded because of the unhealthy situation of the city in the midst of fever-ridden swamps that part of the uncompleted warehouse had to be pressed into service. Increasingly, the need for nurses to care for the sick became apparent, as the hospital continued to grow, as reported in the following letters of the engineers:

New Orleans—January 15, 1723.

[Because of storms, etc.,] all that I have been able to do has been to build . . . a wing of the hospital to contain sixty to eighty sick.

Le blond de la Tour.²

New Orleans—September 1st, 1723.

All our workmen and soldiers are attacked by a peculiar sickness, a sort of malignant fever from which no one has been exempted. I am myself even, since more than three months, out of service, as well as my draftsman and the poor M. de Chaville who is actually at the extremity with it. This malady has taken from us a great number of our best workmen, and it has been impossible to complete the covering of the large warehouse which is all erected. It was even necessary, the hospital being too small to contain all the sick, to make a convalescent hospital of part of this warehouse, which being roofed is in a state of being inhabited . . .

Le blond de la Tour.³

New Orleans—9 February 1724.

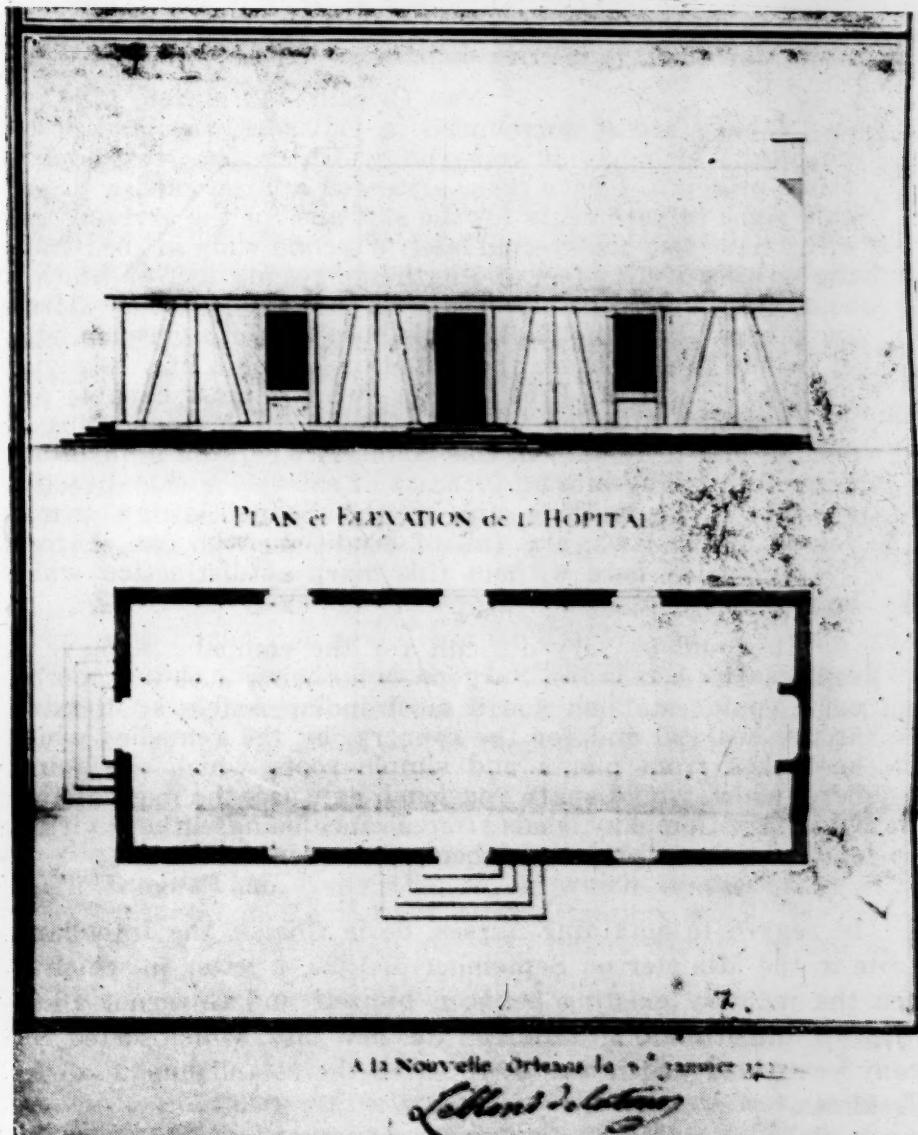
At some distance from there M. de Boisbriant asks a hut to lodge the savages who come to sing the Calumet. I shall have its construction worked at unceasingly, doing it, as well as a warehouse for the material and equipment, a powder magazine, and a second wing near the hospital for the convalescents who die of relapses from the bad air of being

¹ Archives Nationales, Colonies, Paris, Série C 13, Correspondance Générale, Louisiane, volume VII, folio 178. Hereinafter this source will be cited in abbreviated form, thus: A. N., C. Sér. C 13, vol. VII, fol. 178.

² *Ibid.*, fol. 193.

³ *Ibid.*, fol. 211.

PLATE 1



Plan and Elevation of the Hospital — New Orleans, January 3, 1723
Leblond de la Tour

with the other sick. The garden is surrounded with palisades and if there were made trenches or little canals in the vicinity so that its ground would be more dry. They are working on those of the square and they are going to oblige the inhabitants to do the same. . . .

De Pauger.⁴

New Orleans—19 March, 1726

I have had it surrounded in palisades, the land of the hospital which has 20 toises of width on the river and 56 toises of depth. I have there arranged a large garden to procure some refreshments for the sick and for the arriving vessels. I have also had erected lately a second wing in good framing on sills of fifty feet of length and twenty feet of width to separate the persons attacked with infectious maladies, from the others. It will not fail at this hospital for a great number of people to find there the salvation of their life, in giving its direction to M. Prat, Doctor, who is most capable and of a conduct to bring you, Gentlemen, to spare nothing to engage him to remain in this country, where he is infinitely useful, by giving him an increase of salary for this direction and even of admitting him to the Council, being a man versed in the laws, and full of erudition, who can scarcely live agreeably here without this mark of distinction which he merits.

It would be very difficult for the company to have to replace Sr. Alexandre, Surgeon, who being a clever apothecary, could establish you a most indispensable apothecary, at the hospital and for the country, by the remedies which he makes from plants and simple roots which are found here, which would spare you much expense, the most of that which the Company sends from France being without virtue, and even bad for lack of being in order.

de Pauger.⁵

In regard to obtaining nurses, de la Chaise, the Intendant, wrote to the Minister on September 6, 1723, a letter in which is seen the jealousy existing between himself and Governor Bienville, an unfortunate situation in the new city, which lasted for many years and which was to threaten the establishment of the Ursulines.

De la Chaise to Minister. New Orleans—September 6, 1723.

There are in the hospital here more than eighty sick at a time. No one has charge of this place, it is necessary to trust to the surgeon and nurses. Maladet, the surgeon,

⁴ *Ibid.*, vol. VIII, fol. 19.

⁵ *Ibid.*, vol. VII, fol. 353.

protégé of M. de Bienville, is a man who scarcely gives any of his attention there. He has married a rich wife and only thinks of his pleasures. If, you could, Messieurs, engage four good Grey Nuns to come here to establish themselves and to take care of the sick, it would be much better. They would have more help from these girls than from the nurses who steal the rations.⁶

Things moved slowly, however, between France and Louisiana and nothing was done toward procuring nuns for this work until Father Nicholas Ignatius de Beaubois, Superior of the Jesuit Mission of the Illinois, came down to New Orleans in 1725, where he purchased a house from Bienville at the corner of Bienville and Chartres streets, to serve as headquarters for the new Jesuit mission which he hoped to procure from France. He must have at this time agreed with Bienville to attempt to induce the Ursulines of Rouen to undertake the work at the hospital, which he did on his return to France. Accordingly, a treaty was drawn up in Paris, on September 13, 1726, between the Ursulines and the Company for "a new establishment . . . to relieve the poor sick and provide at the same time for the education of young girls."⁷

Father de Beaubois then returned to Louisiana on the same ship with Perier, the new Governor who had succeeded his friend, Bienville, arriving in March of 1727. Plans were immediately begun for the reception of the Ursulines, Perier and De la Chaise writing to the Directors of the Company on April 22:

We are having the last two squares that are above the hospital cleared in order to place in one of them the Ursuline nuns who are coming. In the meanwhile we intend to lodge them in Mr. Kolly's house in which is the office of the accounts of the former administration which Mr. De La Chaise is next month going to have returned to one of the pavilions of the Direction.

At New Orleans, April 22, 1727.

Perier & De La Chaise to the
Directors of the Company.⁸

The site proposed originally for the arsenal was selected as the site of the permanent convent. On May 6, 1727, Ignace

⁶ *Ibid.*, fols. 7-50. A slightly differently worded translation is in Dunbar Rowland and Albert Godfrey Sanders (collectors, editors and translators), *Mississippi Provincial Archives, 1701-1729: French Dominion* (Jackson, Miss., 1929), II, 312-313.

⁷ Henry Churchill Semple, *The Ursulines in New Orleans and Our Lady of Prompt Succor: A Record of Two Centuries, 1725-1925* (New York: J. P. Kennedy & Sons, 1925), 167. The full text of the "Treaty of the Company of the Indies with the Ursulines" is printed in English translation in *ibid.*, 167-173.

⁸ A. N. C. Sér. C 13, vol. X, fol. 173. Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 537, for another translation.

Francois Broutin, now engineer-in-chief (de Pauger having died in 1726), wrote:

We have changed the project of M. de Pauger, which was to put the arsenal at the extremity of the city, while it is a piece to be put at the center, I would say in the middle of the place, and the Ursuline Nuns will be put where the arsenal had been projected, and the hospital following, which will be at the end of the city and adjoining the nuns as is suitable.

I find here a general defect in almost all the buildings which have been done up to the present and projected, which is of being too narrow, having only 20 to 22 feet of width instead of 30 and even up to 40 which should be had for a warehouse. It would not cost much more and much more space would be found, so we would not be put in the obligation of having a number of small buildings, where only a very few people can be lodged. These large buildings could be done with fine mansards which would give as much more lodging as in the bottom, and the whole always well set on piling, in what would be well for us to attach ourselves, and what has not yet been done up to the present....⁹

With this idea of large buildings in mind, Broutin probably designed his convent, although instead of a mansard, he used a full attic story.

II. THE ARRIVAL OF THE URSULINES AND THE PROVISIONAL CONVENT

As time went on and the Nuns did not arrive, Father de Beaubois grew apprehensive and wrote:

The arrival of Mr. Perrier at Louisiana has made a deep sensation....

The Gironde does not arrive and I am beginning to worry about our poor Sisters. They are waited for with impatience and the Reverend Raphael is the only one who thinks their establishment ridiculous, as he has said to me. They will certainly do a great deal of good and will be a great help for the families whose children are deprived of all education. They will probably be called upon for another good cause that will cost the Company only one more building, and which Monsieur Perrier looks upon as necessary to destroy licentiousness at its root. He has written to the Company and I do not doubt but that it will enter into his ideas. You will not, I believe, be the last to give it your approval.¹⁰

⁹ A. N., C., Sér. C 13, vol. X, fol. 277.
¹⁰ *Ibid.*, fols. 311-313.

The nuns had, however, set sail from L'Orient, on the southern coast of Brittany, on February 22, 1727, aboard the *Gironde*. The delightful account of this voyage is contained in one of the interesting letters of Marie Madelaine Hachard, one of the group, to her father. Part of the letter of October 27, 1727, describes the arrival of the nuns at the Balise at the mouth of the river after a perilous and exciting crossing:¹¹

... the wind changed and became favorable, the anchor was raised & we reset sail & continued our course, some days after having set out to sea, we discovered Dauphine Island & at the same time a Brigantine which came up to us, as we only expected friends there, this sight caused us much joy, hoping to learn by this means some news of New Orleans, our hope was not in vain, we had the pleasure of seeing this Brigantine boarded, whose captain was a friend of ours, he asked to salute us & it was from him that we learned the first news of the Reverend Father de Beaubois who awaited us with impatience, that our lodging was all disposed to receive us, while waiting for our Monastery to be finished building, I assure you, my dear Father, that this was the first exterior joy that we had tasted since our embarkation, it was so sensible to us that it made us forget all the past fatigues.

We continued accompanied by the Brigantine toward Dauphine Island where we anchored with the intention of taking on some water there, but the wind having become favorable, we reset sail and retook our way toward the Balise where we arrived at the anchorage, the twenty-third of July, five months, day for day, since our embarkation, distant from Rouen, almost twelve thousand four hundred leagues, this is a Port which is at the entrance of the Mississippi River, on the side of the setting sun; Monsieur Duvergé [Deverges] is commandant there for the company, he soon came aboard to see us and to offer us his house while waiting until we could have boats (voitures) from New Orleans to ascend this River, we accepted this part which was offered us, with such good grace, & the twenty-sixth, Feast of St. Anne, descended into the long boat with a most necessary part of our baggage, Monsieur Duvergé came to take us to conduct us there & took us in well for the weather was then very bad, the wind contrary, & our long boat too loaded & what is worse our sailors very profane, and almost without reason, we would have found ourselves in a manifest peril & from which we would never have been able to draw our-

¹¹ Translated by the author from the French text in Gabriel Gravier, *Relation du Voyage des Dames Religieuses Ursulines de Rouen à la Nouvelle-Orléans, avec une Introduction et des Notes* (Paris, 1872), 69-72.

selves if Monsieur Duvergé had not obliged them to put in to port in a small island named the Isle of Canons, situated at the mouth of the Mississippi River, a little advanced in the stream; this island contains at most only half an acre, but it commands the whole mouth of the river, we had much trouble to land there for we did not cease sticking in the mud, we had never in life heard such swearing as then seized our sailors & we ran the risk of passing the night in this island where there are almost a dozen workers of the company who are occupied in constructing a sort of fort, under the conduct of the said Sieur Duvergé, who sent his workers to find us some pirogues at the Balise & had put up a flag to advise at the Balise that he was there, & that he wanted some boats, these pirogues are hollowed trees, and which are sometimes large enough to contain sixteen persons, the three which were brought to us were less, we were obliged to separate into two bands, the third pirogue was occupied by Monsieur Duvergé and Father Dutrelo.

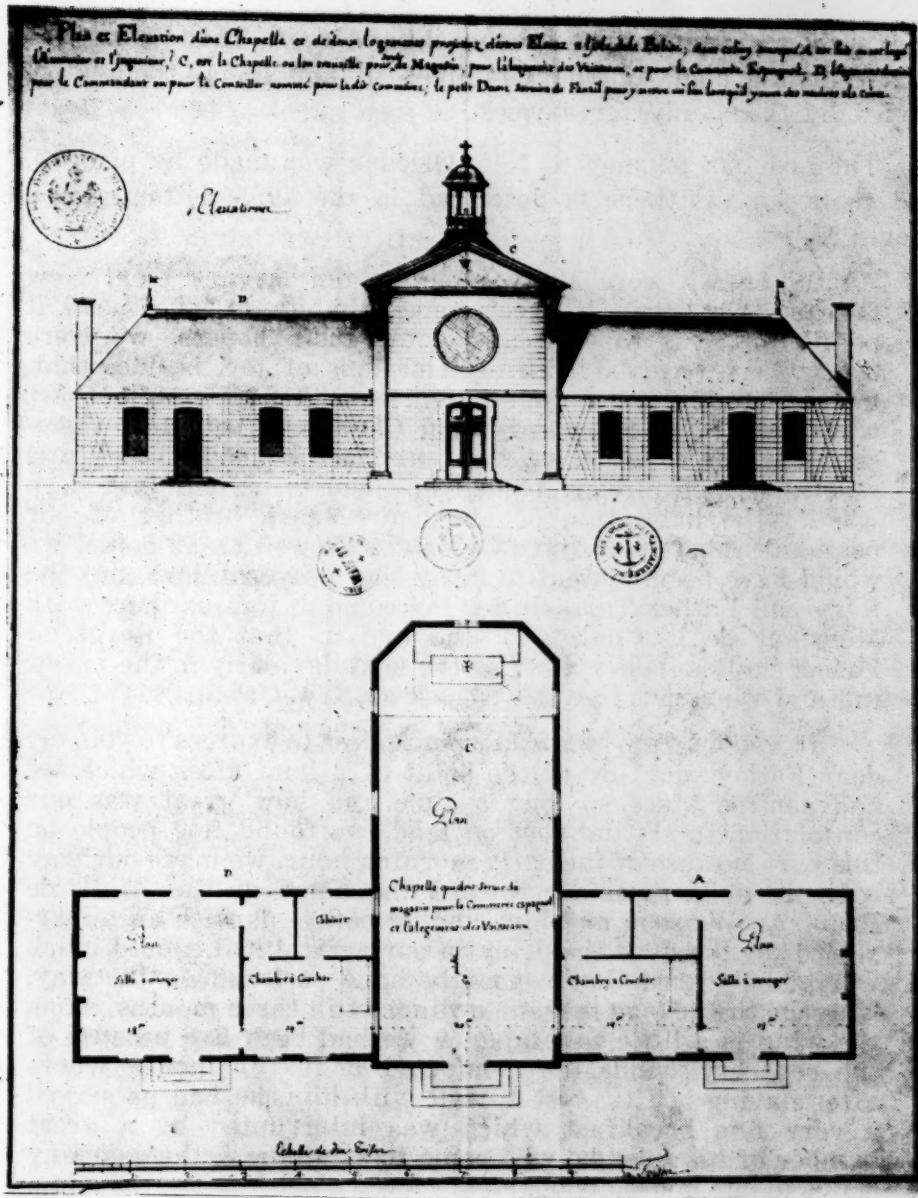
It was in this manner that we arrived at the Balise at the house of the said Sieur Duvergé, he treated us the best that it was possible for him. This gentleman is very gracious & although young and without a wife, he leads a regulated and most solitary life, being applied without relax at the affairs which are confided to him, we are persuaded that the Company has few employees as worthy as this gentleman, there is room to believe either that he has enemies (true virtue being always persecuted) or that he is not known by the gentlemen of the Company, for if he was known he would be without doubt more advanced, these gentlemen doing themselves a pleasure and a duty to recompense true merit, that of the Sieur Duvergé has appeared to us worthy of the most important employ.

We remained at his house until the twenty-ninth of the same month, awaiting news from New Orleans....

The Sieur Bernard Deverges was an engineer, native of Bearn, formerly stationed at New Orleans where he made several plans showing the growth of the city, designed various buildings in the city as well as at the Balise, and directed the works at New Orleans during the last illness of de Pauger, who on the death of de la Tour in 1723 had become engineer-in-chief.¹² He then became commandant at the Balise in charge of the fortification referred to in Madelaine Hachard's letter. His house, designed by de Pauger in 1723 as a wing of the chapel, was a single one-story structure of wood frame, enclosed with planks

¹² A. N., C., Sér. C 13, vol. IX, fol. 396.

PLATE 2



Plan and elevation of a Chapel and of two lodgings projected to be erected at the island of the Balise, of which that marked A is done where the Chaplain and the engineer are lodged; C is the Chapel where they are working to serve as a Warehouse for the unloading of Vessels and for the Spanish commerce; D. Lodging destined for the Commandant or for the Counsellor named for the said commerce, the small cupola will serve as a beacon in order to put a fire there when there shall be ships at the coast.

Ministere des Colonies #104

Plan.

Chapel which must serve as a warehouse for the Spanish commerce and the unloading of Vessels. De Pauger.

Chapel at the Balise with the lodging of the Sieur Deverges, Engineer, in the wing at the right, marked A. Here the Ursulines spent their first night ashore in Louisiana.

and with a steeply pitched wood shingle roof. This house was thus the first home of the Ursulines in Louisiana, though occupied by them only for a week.

The arduous journey to New Orleans was made by pirogue, and their arrival there is described in the same letter quoted above:¹³

When we were about eight or ten leagues from New Orleans, we began to meet some inhabitants who made it possible for us to stop and enter their houses, we were everywhere received with acclamations of joy, besides that, by our stopping, we found numerous honest people there who came from France & from Canada to establish themselves in this country, we were promised boarders by all and several wished already to deliver them to us, our last sleep was in the habitation of Monsieur Massi, brother of our postulant where we found ourselves as well as at home, we would have been content to delay there several days, but the Reverend Father Tartarin having come to join us there with Monsieur de la Chaise, Jr., he told us that the Reverend Father de Beaubois waited us the next day early in the morning and we arrived at five o'clock at New Orleans.

It would be too long and even useless to express to you, my dear Father, our joy at the sight of a land after which we had aspired since so long a time and how great was our consolation in setting foot on land, we found few people on this port because of the early morning hour, we made our way without embarrassment toward the home of the R. P. de Beaubois. We soon met him coming before us with an unparalleled joy, because the delay in our arrival had caused much worry, he feared that we might have perished on the way, whereas the voyage is made ordinarily in three months, when the wind is a little favorable. & we had been five because of the contrary winds, he conducted us to his house where after having a little rest & visit with him, he had us served a very fine breakfast which was interrupted by a great number of his friends, who came to salute us & the company led us to our house about ten or eleven o'clock in the morning.

This is a house which the company rents for fifteen hundred livres a year, to lodge us while waiting for our monastery to be finished building, it is directly at the end of the city and the house which is being built for us is at the other end. We do not count on taking possession of our Monastery & of the Hospital within a year or perhaps more,

¹³ Translated by the author from French text in Gravier, *Relation du Voyage des Dames Religieuses Ursulines de Rouen à la Nouvelle-Orléans*, 77-79.

for workmen are not so common here as in France, besides it is wished to build lastingly for us and so our house must be all of bricks; while waiting they are actually building us a small lodging in our residence to instruct there the day pupils and to lodge there some boarders. The owner of the house furnishes the wood & we the workmen, there are already more than thirty boarders who ask with insistence to be received there, from here as well as from the Balise & the environs.

This provisional convent, the first home of the Ursulines in New Orleans, was located at the corner of Chartres and Bienville streets, then the upper extremity of the city. Beyond it was the plantation of Bienville, which probably was the reason why this house of the Ursulines has often been mistakenly called Bienville's. It actually belonged to the St. Reyne Concession as shown on a plan of the city as it was in May, 1728, signed by Broutin, a copy of which was found in the Cabildo in New Orleans. This was the same house of Mr. Kolly which Perier had reported as being prepared for their reception. Madelaine Hachard described the building, which was only of wood, in her letter of April 24, 1728:

Our residence since our arrival here, is in the most beautiful house in the city, it is of two stories & above, a mansard, we have there all the apartments necessary, six doors to enter the apartments below, there are all around large windows, however there is no glass, but the windows are stretched with fine and clear cloth, which gives as much daylight as glass. It is situated at one end of the city, we have there a poultry yard & a garden which are fenced in & adjoin on one side & at one end with great wild trees, of a prodigious height and size....¹⁴

Unfortunately no drawings of this house are known to exist, although the Ursulines do possess a sketch of doubtful origin which may have been made only from Madelaine Hachard's description. Within the house a chapel was established where Father de Beaubois served as chaplain. This service only increased the antagonism existing between the Jesuits and the Capuchins and made the Ursulines victims of the local feuds and jealousies.

¹⁴ Translated by the author from French text in *ibid.* 91.

Perier and De La Chaise, in a letter to the Directors of the Company on November 2, 1727, announcing the arrival of the *Gironde*, said:

The arrival of the Ursulines here has almost caused a division in the church. Father de Beaubois claimed to be their superior in the quality of grand vicar and wished to direct them, which was contrary to the conditions of his agreement with the company but he had himself authorized by the Bishop of Quebec. Father Raphael on his side, although very good and very prudent, could not tolerate that Father de Beaubois should perform the functions of the office of superior without being stirred by it. We have obliged them to let the matter rest there until M. De Mornay (Bishop of Quebec) has decided their question.¹⁵

On May 6, 1728, Father de Beaubois wrote to the Abbé Raguet, director of the Company for religious matters:

Monsieur:

I doubt not but that the Mother Superioreess (of the Ursulines) who has the honor to write to you gives you all the news of her community and also furnishes you with an account of what is done here. It is now an important establishment that requires much of my attention and for which I am put to large expense so that I may, with credit to myself, keep abreast of all ill winds. There are now sixteen girl boarders, seven or eight negro girls, also boarders, and twenty-five externes. If justice is done to these poor Religious in the letters written to the Company you cannot regret the money spent for their establishment; and if, in France, they are willing to give me credit for anything they would thank me for the honor they (the Ursulines) do to the country and the services they render to it. The great good that they do by the education they give, in every line, to so many children and so many slaves wins the respect and love of all the people. Their conduct is irreproachable and they spare themselves in no way in order to be useful to the Colony. They consult neither their strength nor their faculties. They are overworked, and although short in their allowance, they manage to take in, free, orphans who were entirely abandoned or in bad surroundings. These poor girls are entirely on their hands, the Company having even cut off the ration they had allowed them while they (the few girls) were with the unfortunates from whom I rescued them. Nothing would be more just, but these ladies have the misfortune of being in my care which renders them unworthy

¹⁵ A. N. C. Sér. C 13, vol. X, fol. 192. English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 553.

of any favor. They notice it even more in the last eight days and before long they will be compelled to present a petition to the council to receive from the storehouse things that they need, independently from Monsieur de la Chaise.¹⁶

On August 14th of the same year, Perier also wrote to the Abbé on this subject:

The Reverend Father Raphael is still very cold toward Father De Beaubois, who on his side has done everything that he ought to have done in order to be on good terms with the Superior of the Capuchins. I doubt that they will ever become great friends. What pains me in this misunderstanding is that the Ursuline nuns suffer from it. As they are directed by Father de Beaubois, Mr. De La Chaise, who does not like him, deflects upon them the trouble that he would like to make the priest experience, who on his side does not think that he has great cause to be pleased with Mr. De La Chaise. What I can do is to put between them, as the Spaniards say, the "madre de Dios." From this it will result perhaps that Father Raphael will not like me any more. However, Sir, I can tell you truly that I am doing all that I can to render service to the reverend Capuchin fathers without falling short in anything that I owe to the Jesuit fathers with whom everybody of the posts where they are is pleased. I must tell you that they have done much good in them. . . .¹⁷

As the difficulties between the Jesuits and the Capuchins increased with the charges and countercharges, finally resulting in a move for the recall of Father de Beaubois, the Ursulines were almost ready to abandon New Orleans and re-establish themselves in the West Indies or to return to France, according to an extract from a "Mémoire on the causes for the Recall of Father de Beaubois:"

For the ladies of the Ursulines and who were nearer to him and whom gratitude rendered very docile to his Counsels, he turned their heart toward a rich establishment, that, according to him awaited them at the Cape [Cap François in Santo Domingo]; and in this new hope mingling with the grief into which the fate of Father de Beaubois plunged them, they asked to leave the Colony and addressed themselves to the Ministers whom Father de Beaubois endeavored to surprise. This is how the Comte de Maurepas wrote about it to Monseigneur the Controller General on the [?] November 1728.

¹⁶ A. N., C., Sér. C 13, vol. XI, fol. 256. Translated by the author from manuscript in Roger Baudier collection.

¹⁷ A. N., C., Sér. 13, vol. XI, fol. 12. English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 588.

I am informed that the recall has been asked of Father de Beaubois, Superior of the Missions of the Jesuits and very capable of sustaining that of the Ursulines who are determined to return to France rather than be directed by the Capuchins. The Superioress writes to me about it and begs me to procure their liberty to leave the Colony.¹⁸

Fortunately this drastic step was not taken and the Ursulines continued their work in the house at Chartres and Bienville streets, where the convent archives (*livre de l'Entrees des Filles de Choeur*) record that Marie Madelaine Hachard "had made profession the 15 of March of the year 1729 in the chapel of our house of St. Ursula of New Orleans." Here also was established a "congregation of Ladies, Children of Mary," May 28, 1730, the convent archives recording:

The year of our Lord the 28th of May, 1730, Mesdames Carriere, Rivard, Bourbon, Thomelain, Chavan, Fabre, Benville, Caron, have asked to erect a congregation of women and girls, in honor of the Very Holy Virgin Mary at the Monastery of the Religious of St. Ursula, with permission of the R. P. Raphael, Grand Vicaire de Monseigneur l'Eveque de Quebec and of the R. P. de Beaubois, superior of this monastery and of the Reverend Mother St. Augustin de Tranchepain, first Superior and Foundress of the Reverend Ursulines of this city, who have consented for the glory of God and for the salvation of souls to do honor to the Very Holy Virgin in all this colony. That the said ladies should assemble every Sunday and feasts of the Holy Virgin in an apartment which shall not give them any communication in the cloister and that they shall have there an altar dedicated to Notre Dame de Bonsecours having placed there her image in sculpture. . . .¹⁹

III. THE FIRST CONVENT

The nuns continued to occupy their provisional convent until 1734, during which time their permanent residence was being constructed at the other end of the city. Contrary to popular belief, this is not the building that still stands on Chartres Street, but another of almost identical plan which stood on the same square but much closer to the river. It was of the half-timber construction known as "briqueté entre poteaux" (bricked between posts) or columbage, the brickkiln being located across the present Governor Nicholls Street from the convent site, according

¹⁸ A.N., C., Sér. C 13, vol. XII, fols. 224-258. Translated by the author from manuscript in Roger Baudier collection.

¹⁹ Ursuline Convent archives, New Orleans.

to a plan of New Orleans published in the *London Magazine* about 1763 but evidently based on a much earlier French plan. "The New House of Ye Ursulines" is shown close to the Quay with a formal garden behind it. This convent was three stories high with a low-pitched tile roof, curved pediment and interesting cupola. It is shown in a series of drawings in the Archives Nationales in Paris,²⁰ dated March 19, 1733, and in other drawings in the Archives of the Ministere des Colonies, dated January 14, 1732. They were drawn by de Batz, as architect, and approved by Broutin, as engineer-in-chief. The earlier drawing shows a triangular pediment and no cupola. On January 1, 1728, Madeline Hachard wrote of this building as follows:

They are working hard on our house. Sir Perier, our Commandant, always attached to that which gives us satisfaction, promises us that we shall live there before a year, the engineer came yesterday to show us the plan of it, we could desire nothing more than to see ourselves in this house in order to be also occupied at the Hospital to tend the sick for we hear every day that it is the greatest pity in the world to see the bad arrangements which they have, that the majority of the sick die through lack of assistance.

The intention of M. le Commandant and the principal inhabitants of the city is that we should also take girls and women of bad conduct, that is not yet decided on our side, but we are made to understand that this would be a great blessing for the colony and for that reason it is proposed to have a special apartment built for us at the end of our enclosure in which to confine these people.²¹

The problem of wayward girls and women in the little city was indeed a serious one, as Perier and De La Chaise had written to the Directors of the Company on November 2, 1727:

There are many women and girls of bad life here. These wenches become pregnant and afterwards they will not give the name of the fathers of the children so that today the Company is obliged to feed five or six nursing children whose fathers are not known. Mr. Fleuriau had hitherto not been willing to present any request to induce women of this sort to make their declarations to the recorder's office when they were with child and to declare the name of the father. We induced him to do so some time ago and we have issued a decree which enjoins them to make this declaration under

²⁰ A.N., C., Sér. C 13, vol. XVII, fol. 306.

²¹ Translated by the author from French text in Gravier, *Relation du Voyage des Dames Religieuses Ursulines de Rouen à la Nouvelle-Orléans*, 84-85.

penalty of corporal punishment. That will perhaps have some effect. We are sending you the list of those to whom a ration is given each month and we thought it advisable to do so in the fear that we had that these wenches might make away with their children. We think, Gentlemen, that you will approve what we have done. If there were a place at the hospital to put them all, we would do so because the negress who is there would take care of them. We must be patient; it will be possible to do that in the future.²²

A marginal note by the Directors, on the above letter, recommends the following action in the premises: "Execute what they propose. Put the Ursulines in charge of them. Make a refuge in which to put the women of bad lives."²³

The Governor and the Intendant made another report on this subject on November 3, 1728:

Orphans. We are granting the orphan boys who are in need, the ration of bread mixed with rice by means of which there is always somebody who takes them and contributes to charity. As for the orphan girls, we put them with the nuns for the sum of one hundred and fifty livres that we pay them per year for each of them, and they are under obligation to feed them and maintain them. At present, there are six of them who are brought up there. When the hospital is built, we shall put the boys in it, also whom we shall be able to place as apprentices at a certain age with workmen for their time.

House of Correction. In keeping with your orders we shall have a house of correction built near the hospital adjoining the Convent.

Room of Correction, in the Ursuline Convent. The nuns even have in their convent at present a room of correction which we have fitted up for them, in which we have already put two women. It is Mme. Du Tisné who donated it.²⁴

Madelaine Hachard again refers to the progress of work on the convent in her letter of April 24, 1728:

The house that is being built for us is situated at the other extremity of the city, Rev. Father de Beauvois and the engineers of the company who are directing the design are following the idea which we have given them; we often see the plan, it will be all of brick and sufficient to house a large

²²A. N. C. Sér. C 13, vol. X, fol. 199, English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 558-559.

²³Rawland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 559, footnote 1.

²⁴A.N., C. Sér. C 13, vol. XI, fols. 144-145. English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 601-602.

community, there will be all the rooms we could wish for, very regularly built, well panelled, with large windows and with glass in the sash, but it scarcely advances. Sir Perier, our Governor and Commandant, had made us hope that it would be ready at the end of this year, but laborers being very scarce we will be fortunate to be able to live there and take possession of our Hospital at Easter, 1729. We shall then need new helpers; I pray the Lord that He will send us good subjects.²⁵

It is interesting to note that glass was being used at this early date in the Colony. Perier and De La Chaise requested the Directors to send it for the various buildings then under construction, in a letter of November 2, 1727:

We shall not forget again to ask you for some crates of glass for window-panes. Every six months we have to change the linen cloths that are put on the windows because they rot and the company is at a much greater expense for them. Send us also a diamond in order to cut them.²⁶

They acknowledged receipt of it some time later, November 3, 1728:

Window glass. We have received by the "Prince de Conti" the crate of glass and the diamond that you sent. As for the size of the panes of glass, Mr. De La Chaise has sent you the dimensions and we add here some sheets of paper of the different sizes.²⁷

In three letters to the Minister of the Marine, Perier and De La Chaise refer to Mikel Seringue, master carpenter, who was contractor for the building, and to the progress of the work on the convent:

New Orleans (1728).

We shall give orders to build next year the church and the presbytere of the Allemands; and we shall endeavor to have Mikel Seringue undertake it after he shall have done that of the Religious which he has undertaken.²⁸

New Orleans (1728).

You will find attached the list of the names of the Ursuline Ladies who remain here. . . .

You have paid the steward of the hospital and the nurses for this year. It is not possible that we can put them

²⁵ Translated by the author from French text in Gravier, *Relation du Voyage des Dames Religieuses Ursulines de Rouen à la Nouvelle-Orléans*, 92-93.

²⁶ A.N.C., Sér. C 13, vol. X, fol. 197. English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 557-558.

²⁷ A.N., C., Sér. C 13, vol. XI, fol. 144. English translation in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 601.

²⁸ A.N., C., Sér. C 13, vol. XI, fol. 82.

in possession of their monastery before next St. John's Day. They are working on the framing of their building, it is Mikel who has undertaken it but whatever diligence he might make, scarcely will it be ready for that time. Thus as they are distant at present from the hospital, it is not possible for them to enable to give them care. If things depended on us they would have been placed there a long time ago. We know well enough that the sick who are deprived of it are not better for it, whereas the steward has all the attention which could be desired. . . .²⁹

New Orleans, March 25, 1729.

M. Mikel who has undertaken the building of the Ursulines has his wood all ready, and is going to take it there these days in order to soon erect these edifices. The doors, sash, and the rest of the woodwork will also be ready, it being a year since they began. In spite of that we do not believe that it will be possible to lodge them inside, whatever diligence might be made, before nine or ten months.³⁰

The only thing which remains from this building is a lead plate from the cornerstone, preserved in the museum of the present convent, inscribed as follows:

Du Regne de Louis Quinze, Roy de France et de Navarre
 La pre pierre de ce Monast a ete pos par tres Hau et tres
 illus. Dame Cath le Chibelier epouse de Mess Eti de Perier
 chev de L'Or Mil de St. Louis cap de Fregates de S. M. Tres
 chr. Comdt. Gnal. de la Prov. et Col. de la Louisiane.

L'an de Grace MDCCXXX.

[Translation]

In the reign of Louis XV, King of France and of Navarre, the first stone of this Monastery has been set by the very high and very illustrious Lady Catherine le Chibelier, wife of Sir Stephen de Perier, knight of the Military Order of St. Louis, Captain of the Frigates of his Very Christian Majesty, Commandant General of the Province and Colony of Louisiana.

The Year of Grace 1730.

On the reverse side of the tablet is the following:

Les Dames Relig. Ursu.
 Qui les pres ont Habite ce Monast. Sont.
 Soeur Mar Trenchepain de St. Augus. Superieure
 S. Marg. Iude St. Jean L'Evan
 S. Renee Yviquel de Ste. Marie

²⁹ *Ibid.*, fol. 114.

³⁰ *Ibid.*, fol. 321. A slightly differently worded translation is in Rowland and Sanders, *Mississippi Provincial Archives, 1701-1729*, II, 631.

S. Mar. Le Boulanger Angeliques
S. Marg. de Ste. Thereze
S. Cecile Cavelice de St. Joseph
S. Mar. Mag. Hachard de St. Stanislaus
Pire Baron Ingr Du Roy I. L. Calot Chanbellan
Graton V. G. Le Maistre et Andre De Batz Architectes.

MDCCXXX.

It is interesting to find here the names of the architects and the engineer of the King, and perhaps more interesting to note the omission of the name of Broutin, who probably had more to do with the design of the building than any of the others, with the possible exception of André de Batz. Pierre Baron, on the recommendation of the Royal Academy of Sciences, had been appointed by Louis XV, under letters patent of July 1, 1727, to go to Louisiana for research on navigation, astronomy and natural history.

Evidently great jealousy existed between Broutin and Baron, the former, after having begun work on the convent in 1727, being sent to Natchez as commandant of that post. Baron must have been preferred by Governor Perier, and he was appointed engineer-in-chief in place of Broutin. In the Paris Archives are the following two letters of these men, which show how Baron must have changed Broutin's plan of the convent:

New Orleans, August 7, 1730.

Moreover it is not difficult to work when one has materials. On the arrival of Mon. Perier, I had 14 negroes or negresses at the brick yard and it has increased to 40 at present, and to advantage, as well to the Company as to the Sieur Morand who has the hiring. There is at present a prison almost done and an observatory, and the house of the religious which begins to go up. I had made the plan of it which has almost all been changed without my having said the least thing. I avow frankly to you Gentlemen that all that has only left me well disgusted in view of all the pains that I gave myself. . . .

I have again had the disagreement of having seen M. Baron sent by M. Perier to the war of the Natchez in quality of volunteer in order to aid me with his counsel. . . .

Broutin.³¹

³¹ A. N., C., Sér. C 13, vol. XII, fol. 405.

New Orleans, December 22, 1730.

To Monseigneur LeConte de Maurepas, Secretary of State,
minister of the Navy.

Monseigneur:

The 22 of December of the year 1728, I arrived at New Orleans. I had sojourned 21 days at St. Louis; my sojourn there was marked by operations of which I rendered account to your highness. . . .

M. Perier received me in Louisiana; he provided me with all that I could desire. . . .

I worked daily with him in the fabrication of materials which serve for building, and I gave the night to my astronomical observations. . . . [tells of his trip to Natchez and observations on natural history].

There remains to me Monseigneur, to justify myself on what I have done in architecture and at war two things for which I had not been destined.

I have for this fact a letter from M. the Controller General, in which are these terms:

You will always do me the pleasure of giving your hands to what is exacted of you by M. Perier for the works of the Colony, and where you will be cleared of it, etc.

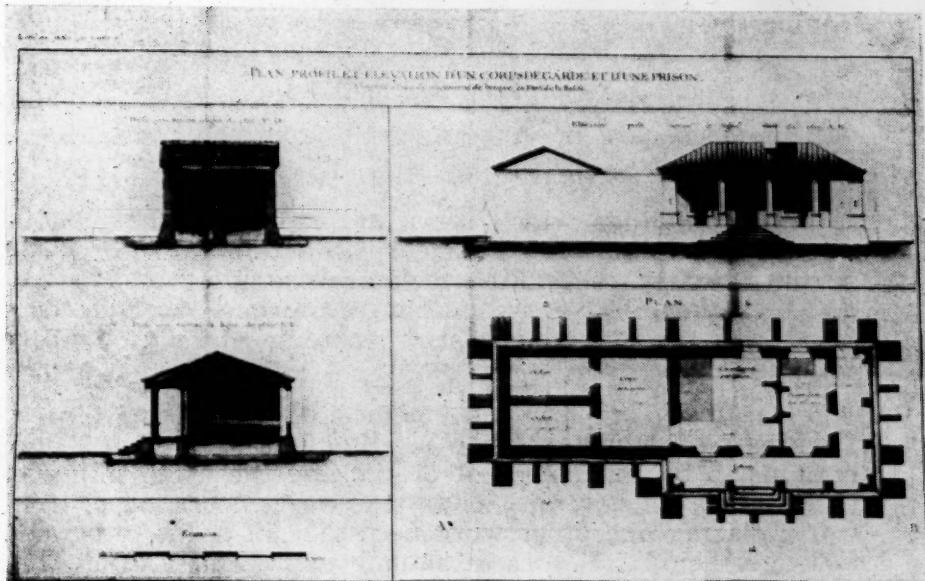
Baron.³²

In 1731 Baron was dismissed as engineer-in-chief and returned to France, and Broutin returned from Natchez and assumed this position;³³ and work on the convent continued slowly. As to the other architects whose names are included on the cornerstone plate, Chambellan Graton was the step-son of Governor Perier and of doubtful architectural abilities (very talented, however, in the opinion of the Governor). Nothing is known regarding V. G. LeMaistre, but the Sieur Callot was evidently a well-trained architect, judging from the Governor's remarks in informing the minister of his transfer to the Balise to relieve Deverges who was off on a visit to France. Further evidence of his skill is seen in the very excellent design for a corps de garde at the Balise, so reminiscent of the small tile-roofed buildings of the south of France. In this same letter, the Governor and Intendant also reported on the progress of the work on the convent and mentioned the possibility of constructing a hospital as a wing of the building.

³² *Ibid.*, vol. XI, fol. 412.

³³ *Ibid.*, vol. XIII, fol. 3.

PLATE 3



Corps de Garde at the Balise. Unexecuted design by J. L. Callot, one of the architects of the first Ursuline Convent.

Ministere des Colonies #113

Plan section and elevation of a guard house and of a prison, projected to be made of brick masonry at Fort de la Balise.

Profile taken following the line C.D. of the Plan.

Profile taken following the line E.F. of the Plan.

Elevation taken following the line A.B. of the Plan.

(Drawn by Callot)

New Orleans, December 5, 1731.

The Sr. Salmon has destined for the conduct of this work (the Balise) in the absence of the Sr. Du Verges [Deverges], the Sr. Callot who worked here in second under the engineers in quality of draftsman who will be paid at the rate of 600# per year. He is a young man of good will and who gives hope that one will be satisfied with him. The Sr. du Verges had brought to France the plan of this post. In any case he will send you one of it by the vessel of the King. . . .

The Sieurs Perier and Salmon have thought that they could lodge the sick and the Religious in the building which has been newly constructed and which is not yet completed. They are working at present to put it in a state to receive the religious and they will likewise construct some rooms for the sick. In any case, one could construct in the future, a wing where the sick could be lodged, the building where

they presently are, being built of wood, and could only endure at most three years. . . . [Also an inventory of the hospital equipment.]

Perier; Salmon.³⁴

This hospital, only slightly enlarged since it was first built in 1722 in the square across the street from the convent, was again described by Salmon in his letter of December 8, 1731:

The buildings which serve at present as the hospital consist of two small lodging corps, one opposite the other, a court between the two which are composed of 2 rooms and a kitchen. These two buildings are only constructed of wood and cannot remain still standing more than three or four years.

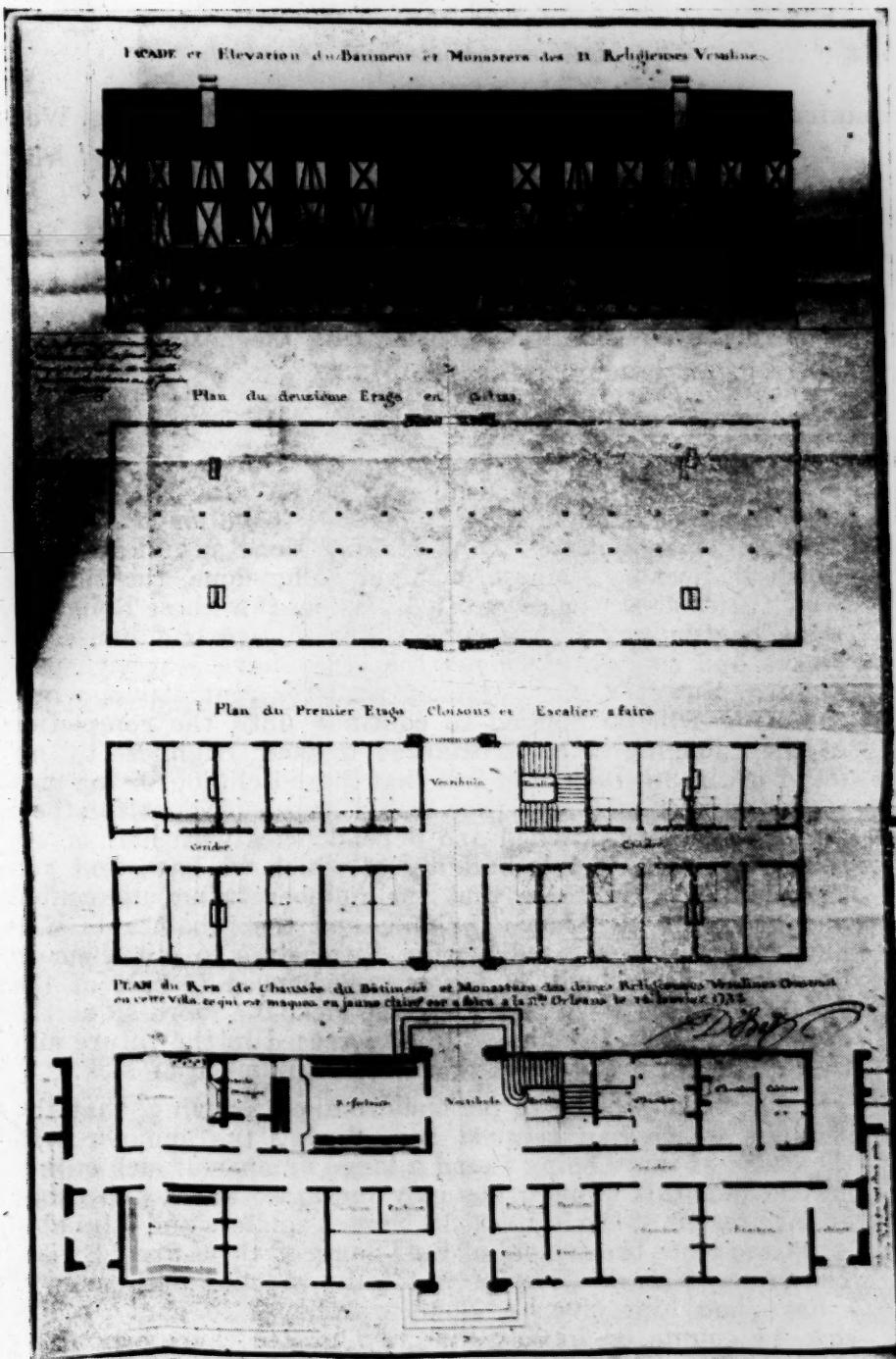
The Company has had constructed a building for the Ursulines of which we are sending you the plan. There remains to be done the roof of tile and the earth filling to the level of the soil; the floors, stairways, doors, sash, iron-work, glazing and other work necessary in order to be able to lodge them, and work is actually going on. I think that being only six or eight nuns, they should have enough for their parlor, refectory, kitchen and pantry with half of the ground floor, and that the sick could be placed in the other half of the ground floor, by breaking several partitions to make wards for the patients. The nuns would have besides that the entire second and third floors for their cells, those of their boarders and orphans of whom there are actually thirty in the house and for each of whom the Company allows 150 livres allowance for board and keep. It is to be observed that the Company has done in this a great act of charity in sheltering these orphans who were mostly children whose parents were killed by the Natchez. They have a good education in this house. Several of them have already married; it is a blessing for this colony, whereas there would have been so many lost children if they had not been sheltered in this house. There is reason to hope that Monseigneur will kindly continue this act of charity and establish a fund for this purpose.³⁵

On January 17, 1732, Salmon sent the plan of the building which DeBatz had completed three days before, showing the progress of the work up to that date. This drawing, approved by Broutin as engineer of the King on January 14th, includes the three floor plans and an elevation with triangular pediment in the center. A section was shown in a separate drawing and showed

³⁴ *Ibid.*, fol. 16.

³⁵ *Ibid.*, fol. 122.

PLATE 4



Ministère des Colonies #6

Facade and elevation of the building and monastery of the Ursuline nuns.
I, undersigned, engineer of the king, certify the present plans facade section
and profile good and true at New Orleans this 15th of January, 1732.

Broutin

Plan of the second floor attic.

Plan of the first floor—partitions and stair to be made.

Plan of the ground floor of the building and monastery of the Ursuline Nuns
constructed in this city. That which is marked in clear yellow is to be done.

At New Orleans the 14th of January, 1732.

De Batz

a stairway quite similar to the one in the existing building. Work to be completed on the first floor included a chimney, some partitions and the furnishing of the refectories, and on the second, some partitions and stairways.

This plan does not indicate wards for the sick as had been suggested by Salmon, who had probably already changed his mind as to the advisability of so locating the hospital. This he explained in his letter of March 30, 1732:

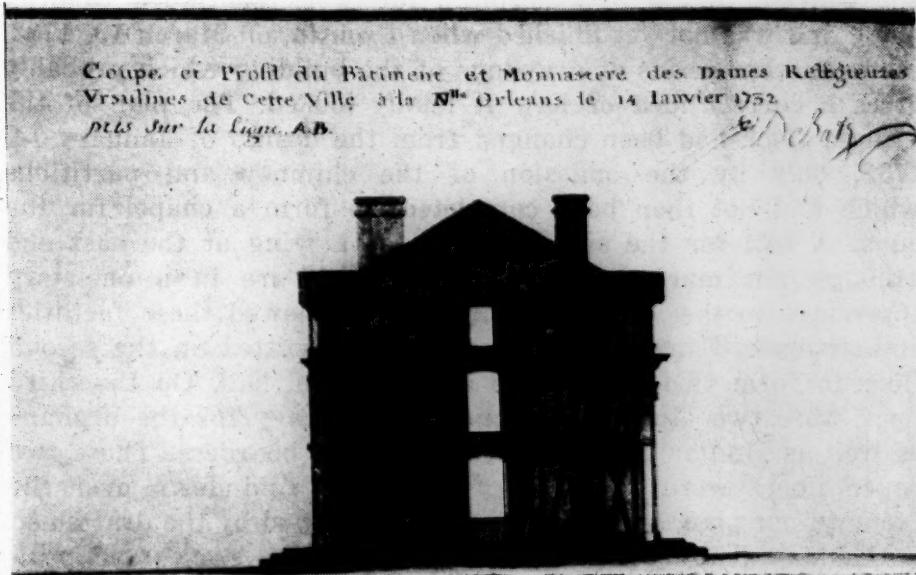
Monseigneur:

I have the honor to send to your Highness the statement of what it will cost to complete the building destined for the Ursulines; amounting to 39,168# 16s. I have not been able to dispense myself from making some adjudications to finish it, because the roof not yet being done, the timbers which are placed would be rotted. Besides that these Religious, their boarders and the orphans are in two bad houses of stakes and so tightly lodged that they have scarcely space to turn. However, the Company paid for rent 1200# which the King will be obliged to continue until the completion of their lodging. I had remarked to your Highness by my letter of the 8th December last that these Religious being only to the number of 6 or 8 they would have sufficient for their parlor, refectory, kitchen and dependencies with half of the rez de chaussee of this building of which we have sent you the plan, but I foresee that the number being augmented and becoming still more thriving and the inhabitants who have young daughters disposing themselves to put them in boarding, they would be too inconvenienced if half of the rez de chaussee were taken for the sick, the more so as the garrison of New Orleans will be increased in the future and there will be in consequence a greater number of sick.

They had wished to persuade me, on arriving, that the sickness which had reigned here during the summer was the cause of there being found a large number of sick on my arrival, but this number has only increased since, and there are at present at the hospital 18 French soldiers and 4 inhabitants and since the arrival of the "Somme" there are 7 Swiss. The crew of M. de Colombe is totally attacked with scurvy. I have had him given a small warehouse to shut up his sick, he counts on having his crew passed there one after the other.

There are at present only 29 beds in this hospital which consists of 2 chambers which are built only of planks on sills. This building cannot subsist standing for long and it will be necessary to construct a solid one. I foresee that it

PLATE 5



Archives Nationales Col. C-13-A

Section and profile of the building of the Religious Ursuline Ladies of this city.
At New Orleans the 14th of January, 1732.
Taken on the line A.B.

De Eatz

will be necessary to establish there at least 40 beds, a contract could be made with the Religious for the care of the said sick and giving them a certain sum per year. . . .

Salmon.³⁶

Salmon was not wrong in predicting that this hospital would not remain standing for long. On February 3, 1733, he again wrote to the Minister:

The hurricane which came at the end of August has ruined here several buildings belonging to the King, among others one of those of the hospital built in wood and covered with shingles of 50 feet of length by 20 width. There were 26 beds and the furniture crushed. Fortunately the sick who had felt the first shaking of the building which was only built of wood and very old, were removed. A small kitchen adjoining has been similarly ruined. . . .

Salmon.³⁷

³⁶ *Ibid.*, vol. XV, fol. 74.

³⁷ *Ibid.*, vol. XVII, fol. 28.

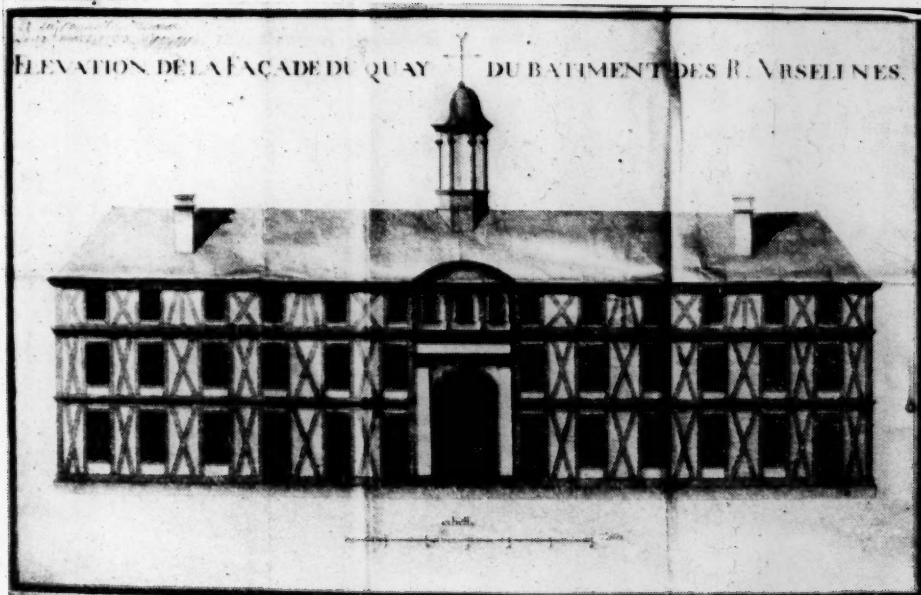
However, in spite of this now increased need for completing the convent and a new hospital, the work continued to drag along and was not yet finished when Broutin, on March 19, 1733, made another series of drawings of the building which probably gives a correct idea of how it finally looked. The plan of the ground floor had been changed from the design of January 14, 1732, only by the omission of the chimney and partitions which had not then been completed, to form a chapel for the nuns. A hall for the sick is shown as a wing at the east end (though not marked), while the latrines are in a one-story appendage to the west. The earlier plan showed these facilities at both ends. Some partitions were also omitted on the second floor to form two infirmaries and a chapel hall. On the third floor were two large rooms and an infirmary for the orphans as well as similar accommodations for the boarders. These two upper floors were drawn on flaps which fold down over the ground floor plan, a devise frequently employed by the draftsmen of that day. The elevation of the building shows a curved pediment and an interesting cupola which also appears in the section, and probably contained the convent bells. Although the elevations seem to indicate gable ends, other drawings show that the roof was hipped. Round tile must have been used on the low pitch, this tile being one of the causes of delay, as explained by Salmon in his letter of August 7, 1733:

They are still working to put the house of the religious in a state to lodge them. Their house would have been covered a long time ago if the furnaces for the tile had not failed, but the contractor has lost more than half of it. He counts that it will be entirely covered at the end of the month. They are working during that time on the inside and on the stair and I hope that they will occupy it at the latest at the end of the year.

Salmon.³⁸

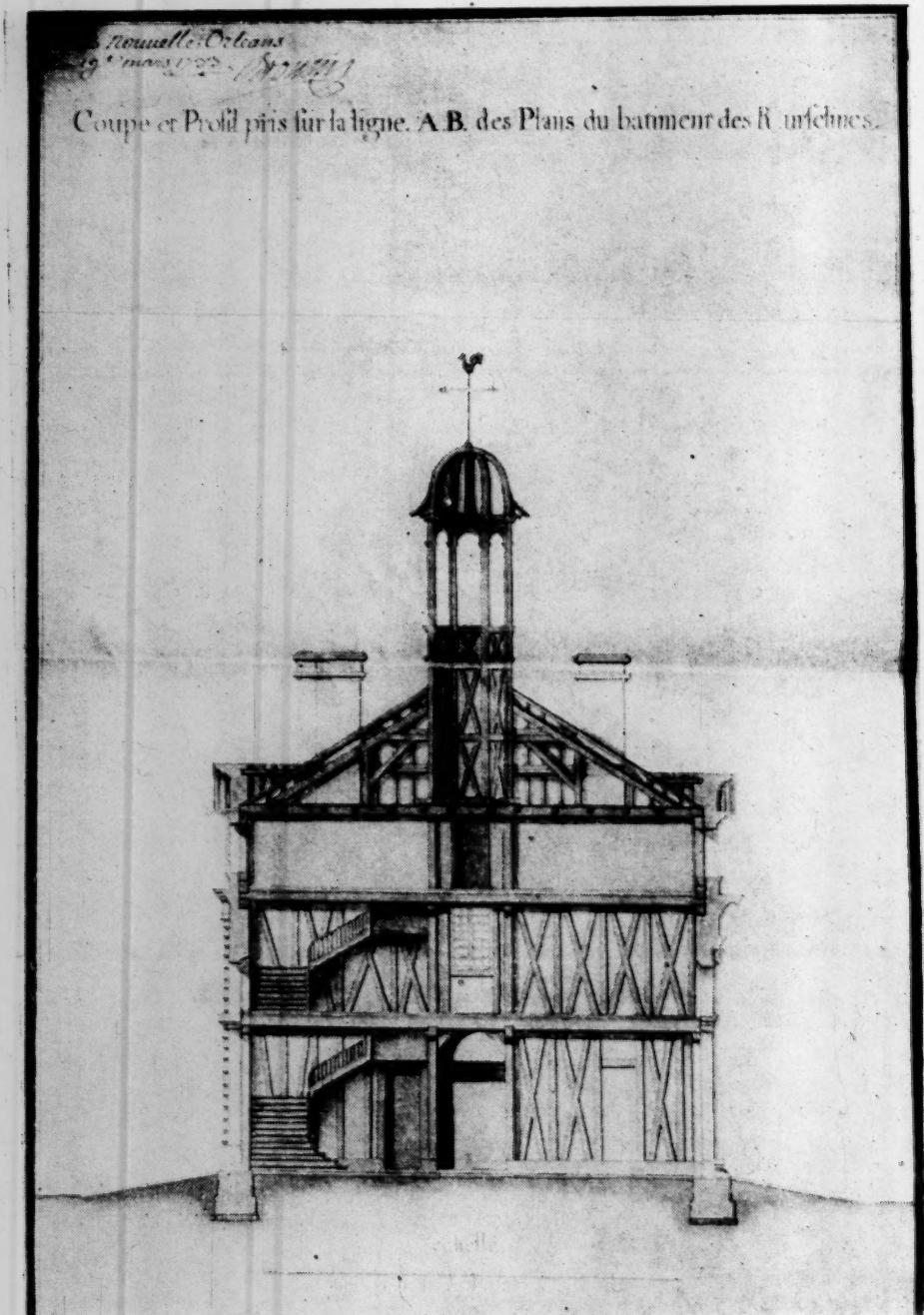
³⁸ *Ibid.*, fol. 195.

PLATE 6



Archives Nationales Col. C-13-A, 15, #242
Elevation of the facade on the quay of the building of the Ursuline Nuns. At
New Orleans the 19th of March, 1733. Broutin

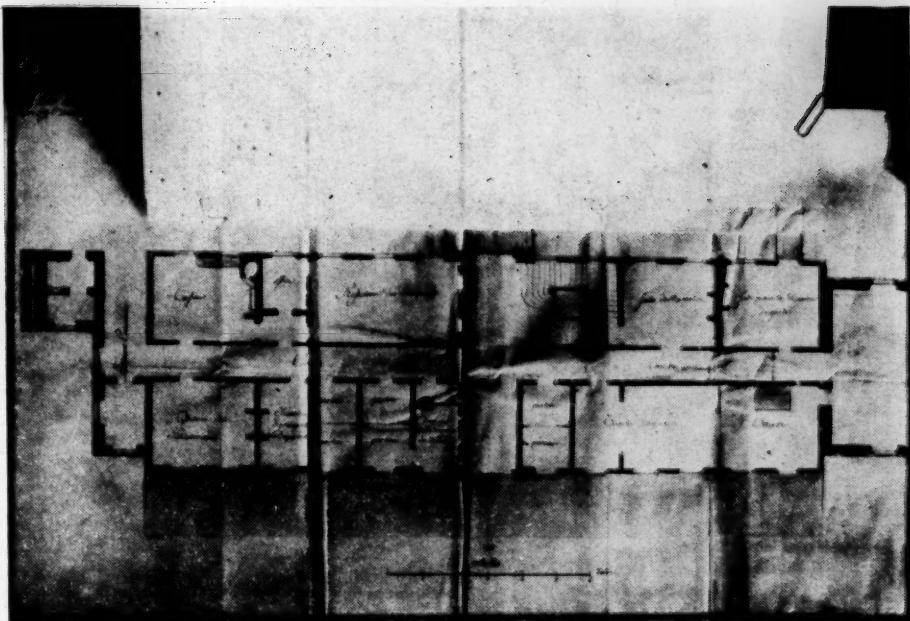
PLATE 7



Archives Nationales Col. C-13-A, 17, #308

Section and profile taken on the line A.B. of the plans of the building of the Ursuline nuns. At New Orleans the 19th of March, 1733. Broutin

PLATE 8



Archives Nationales Col. C-13-A, 17, #306

At New Orleans the 19th of March, 1733 — Broutin.

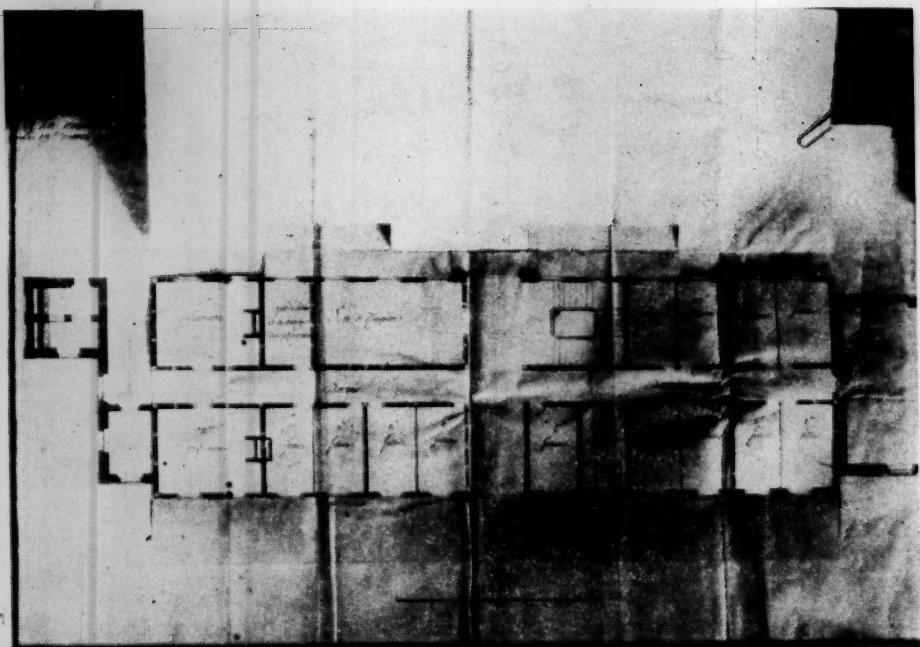
Building begun — Kitchen, office, refectory of the nuns.

Recreation hall — hall for the guard nun.

Refectory of the boarders, day chamber for the Superior, parlor, chamber of
the servant nuns (outside workers), parlor, choir of the nuns, chapel.

Plan of the ground floor — Building for the Ursuline nuns.

PLATE 9



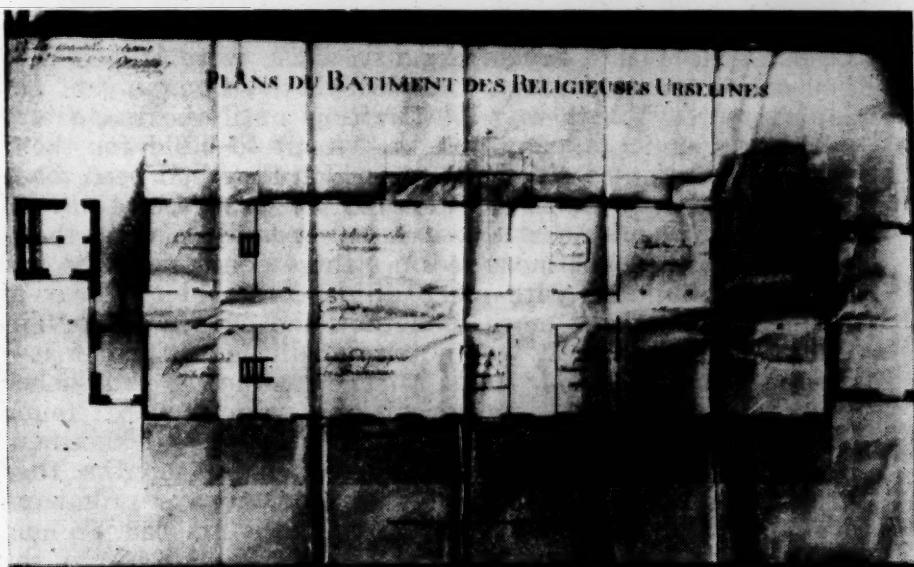
Archives Nationales Col. C-13-A, 17, #306

At New Orleans the 19th March, 1733 — Broutin.

Building begun — dormitory—1st infirmary—2nd infirmary—wardrobe and
discharge of the nurses—Chapter hall—cells (1 to 14).

Plan of the first floor — Building for the Ursuline nuns.

PLATE 10



Archives Nationales Col. C-13-A, 17, #306

At New Orleans the 19th March, 1733 — Broutin.
Plans of the building of the Ursuline Nuns.

Infirmary of the boarders; night chamber for the boarders.

Infirmary of the orphans; day chamber for the boarders.

Chamber for the mistress of the boarders.

Chamber for the mistress of the orphans.

Night chamber for the orphans.

Day chamber for the orphans.

However, the convent was not finished by the end of the year, and the nuns must have nearly despaired of ever moving in. Three of the original band had died, and on November 11, 1733, Mother Augustine Tranchepain, the superior, passed away without seeing its completion. Finally, on July 17, 1734, seven years from their arrival at the Balise, the nuns took possession of the building as recorded by one of the nuns in the book of the Deliberations of the Council, preserved in the Convent Archives:

The Community composed of ten³⁹ professed religious of the choir and two postulants, having arrived in New Orleans the 11th³⁹ day of August, 1727, were lodged in a house belonging to M. de Coly which the Company of the Indies rented for them while waiting until the monastery which the said Company obligated itself to build for them, was in condition to receive them, which they had been made to hope ought to be in six months. This space of time did not seem to require that expenses be made for putting themselves in cloture, the more so since these gentlemen who had begun the building with much diligence would not hear of furnishing anything more than they had agreed to do. The Community, moreover, was not in condition to furnish it—having enough trouble to subsist, in a newly established country where the few provisions which were found were at an excessive price. The zeal for the advancement of the building slackened and in place of six months, they dragged the work more than six years, always promising from one term to the other that it would be finished. So long a time, far from accustoming the holy daughters to the business of the world, was for them a subject of sorrows and of tears, and only made them conscious of the happiness of an entire separation. Also did they neglect nothing in order to procure it, prayers, redoubled solicitation were all employed before these gentlemen, the agents of the Company, to the point of rendering themselves annoying. But God, whose designs are impenetrable, permitted that several of those who had worked most at this enterprise should die before the accomplishment of their desires. The Rev. Mother Marie Tranchepain of St. Augustin, first and worthy Superior of this Convent, after having seen three of her dear daughters die in this period of exile, herself suffered the pain like another Moses, of expiring in sight of the promised land. However burning was her desire to see the accomplishment of a work which she had begun with so much happiness and prudence, she looked upon death with a steadfastness of soul which was infinitely edifying. Her desire to die

³⁹ Errors in original manuscript.

prompted her to be vexed in some fashion against those among us who bespoke hope for her life, which was terminated eight months before our removal to the new monastery which was made on the 17th of July, Seventeen Hundred Thirty Four (1734).

The weather, having appeared, three days before, to oppose this ceremony by continual rains which rendered the roads impracticable, kept us in uncertainty up to about two o'clock in the afternoon when the sky suddenly cleared and in spite of mud, capable of disheartening, especially in an occasion where generally whatever was fine in New Orleans was on the person of twenty or twenty-five young girls dressed as angels. One of them represented St. Ursula, was clothed with a silver tinsel with a large trailing mantle of the same material, her hair dressed with ribbons of pearls and diamonds, a small veil flowing from her head and a superb crown. She held in her hand a heart pierced by an arrow. The whole was done with a marvelous industry. Eleven young girls clothed in white, holding palms in their hands represented the eleven thousand virgins and accompanied St. Ursula. The little ones were as angels.

About five o'clock we rang our two bells as a signal. Soon, following the order of M. de Bienville, Governor of Louisiana, the troops, Swiss as well as French began to file off and ranged themselves in order on both sides of our old House. The Rev. Jesuit and Capuchin fathers in the number of five, (marginal note: 3 Jesuits and 2 Capuchins) to wit: the Rev. Fathers de Beaubois and le Petit with Brother Parisel, the Rev. Fathers Philippe and Pierre accompanied by a numerous enough clergy, I mean choir children and choristers ranged themselves in our Chapel. Messrs. de Bienville, Governor, and de Salmon, Intendant, did us the honor of being present, as well as all that there were of upright folk in the town and almost all the people. The Rev. Father Philippe, Capuchin rector of the parish, incensed the Blessed Sacrament. Several verses of the "Page Lingua" were sung. Benediction being given, the procession began to march. We went out in order, having on our church capes, veil lowered and each a lighted candle of white wax, our Mother Superior and Assistant near the Blessed Sacrament which was carried under a rich canopy. The little Community composed of nine Religious, to wit: The Rev. Mother Jeanne de St. André, Superior, professed Religious of Caen, diocese of Bayeux in Normandie, Mother Renée de St. Marie, Assistant, Religious of Vannes in Brittany, Mother Anne le Boulangier, professed zealot of Rouen, Sr. Marguerite Ann de St. Pierre, Professed of Caen, Sr. Cecile de St. Joseph,

Religious of Elboëuf, Diocese of Rouen, Sr. de St. Xavier, Professed of Bayeux, two sisters, St. Frances de Paule and St. Bernard, Religious of Dieppe in Normandy, Sr. St. Stanislas, the only one up to this day who has made profession in New Orleans. The troops ranged both sides of the street marching in fine order in file, leaving between them and us a distance of 4 feet. The drums and fifes joining with the songs made an agreeable harmony. The people began the march, our exterior scholars followed, our 30 orphans each with a candle in hand, making a third section, afterwards the ladies of the congregation having each their burning candle, were in the number of more than forty. The Community and the Clergy terminated the march. Order was well kept in spite of the mud and the quantity of children, none got out of place through the care of Brother Parisel, Jesuit, who was vested in surplice, to say nothing of the office of master of ceremonies.

The procession entered the Parish Church where we were placed in the sanctuary, the Most Blessed Sacrament being placed on the altar. After the incensing, two soldiers vested in surplice and cape sang to music a motet to the Blessed Sacrament and one to St. Ursula. This was followed by a beautiful sermon delivered by the Rev. Father le Petit of the Company of Jesus, in which he showed that our establishment in this country was glorious to God and useful to the Colony. He greatly extoled our Institute for its great good in the education of youth. We have reason to believe that they were not as much touched by this discourse as they ought to have been, by the little zeal which they show in giving us boarders, having been nearly fifteen months without having more than five or six boarders. On going out of the church, it was perceived that the ranked troops knelt holding their muskets with muzzles against the ground and bowed down their bodies to adore the Most Blessed Sacrament. This ceremony is very respectful and devoted, the thought [occurred] that it was to be feared that the interior sentiments were not conformable. This reflection touched me.

Some persons having charged themselves with ringing the bell of our new house, for some gentlemen have had the bounty to give us one, as soon as the procession was seen to approach, they rang it and did not cease until we made entrance. The ceremony was terminated by the Benediction of the Blessed Sacrament which we received in our Chapel within. From the moment that we entered, cloture was imposed. The next day being Sunday we sang the Mass, the Blessed Sacrament was exposed, the Te Deum was sung in act of Thanksgiving, which it had not been possible to

do the preceding day because it was night and as the heat being extreme, there was much fatigue. The benediction of the Blessed Sacrament was held about five o'clock in the evening where the Religious sang a beautiful motet in music which had the approbation of all the distinguished people that there were who assisted.

We were very delighted to find ourselves in our monastery but we did not expect that they would leave us so much work to do there as there remained. In fact the joy of seeing ourselves separated from the world outweighed in all hearts the trouble of providing for ourselves the things that we lack, having no place at all to hold our extern classes, no bakery, no laundry, no place to store our provisions. The Rev. Father de Beauvois, Jesuit and Superior of these missions in this country, obtained for us from the gentlemen, the governor and the intendant, the two main buildings which served as a room of the hospital for the sick. One has been destined for the extern pupils and joined to our building. They have arranged there a small room for the touriere and a small parlor. The other being at a distance has been taken down piece by piece, transferred, rebuilt, bricked and set up on our grounds in an enclosure, to serve as a store house, laundry, and cellar. The whole has been done at our cost and expense as well as the wall of the enclosure which is around our inner court. This wall has been made for us through the care and zeal of our Rev. Mother de St. Andre Superior who thought, very wisely, that it was better to be inconvenienced in the house than to have for enclosure only some stakes. It is true that she has not found any one of our community who has not been of the same opinion. We have had in our hands the statements of account of the contractor only the time necessary to make a rapid reading of it, but one can assert that the two buildings above cost us more than 2200# ; the wall 6700# of which three thousand one hundred have been taken out for that which they had to do to the house and 2300# out of our account, 500# given for Mr. du Breuil, contractor and 200# for Mr. Broutin, engineer. We were hardly in a position to make these expenses but God helps us. It is necessary that He continue His protection in the condition in which they have placed us. The house demands repairs daily and cannot last long.

The Company of the Indies which has obligated itself to lodge the Community has had some agents in this Colony who have not served it according to its intentions. They have placed on the accounts of this house some large sums which have been employed elsewhere. In 1731 the King, having taken back the country hardly the framework of

the building had been made, had fixed the sum of 28000# to finish it, out of which they took 18000# to build the fine ward of the hospital which the sick occupy today. This is joined to our chapel. This sum has been employed for this purpose because the Comany having presented its accounts to be reimbursed for the expenses which it had made to establish the country, they have judged at the Court that a house which had cost so much ought to be sufficiently large and spacious to be shared between us and the hospital and that the statement of accounts of this building carry a sum of more than a hundred thousand pounds, employed for this building, although in fact less than half was used for the building, the rest having been diverted to do other things, to the profit of certain persons. The plan to put the sick in our house was impossible and it ought to be evident by a glance at the building and to the things necessary to a community, comprising on the lower floor only the chapel which is very small, two parlors, a room for the Superior, the dining room for the boarders, the kitchen, a small office, the refectory of the Religious, the community room and the room of the hospitaliere. On the second floor is the dormitory and fifteen cells, with two rooms for the infirmary. There is no place where they can perform the duties of the sacristy, the linen room, roberie, pharmacy, and in spite of that which we lack it seemed to the gentlemen that they would be able to take or to lodge 60 sick. The boarders and orphans occupying all the upper floor there remain to us only the two stories below. We needed the influence of Rev. Father de Beauvois, at that time Superior General of the Jesuit Missionaries in this country and he devoted himself with the same zeal as he had had for the establishment of our monastery that we owe to his perseverance and to his care and to the zeal which he has always had for it insofar as Divine Providence has left him to give us proof of his zeal. He happily succeeded in persuading them to construct a separate building for the hospital. Our house in truth remained very imperfect indeed and that has occasioned for us some great expenses; but of the two evils it is necessary to choose the less.

The ward of the hospital was not at all finished yet when we entered our Convent. They hastened to finish it. The sick were taken there August 26 of the same year and continued to be under the direction of the treasurer and of the hospital-attendant. Sister de St. Xavier, professed Religious of Bayeux, appointed for the office of hospitaliere, having wished to see how the gentlemen manage the sick, not in order to do what they did, but better if it were possible; the apprenticeship, if we may speak thus here, was not long. Charity urged her on. She became solely

responsible for the employment the first of September, and managed so well that the sick soldiers who previously would come to the hospital only in spite of themselves and at the last extremity, found themselves happy to be admitted there and asked this favor without waiting until their maladies were violent; favors, nevertheless, which no one ever saw that they abused. The gentlemen who make their visits every day to the hospital said many times that it was useless that they should give themselves the trouble to go there, all being such that there was nothing for them to regulate. The sick instead of the ordinary complaints could not grow tired of praising the goodness, charity and attention of their good Mother, who found herself responsible from the beginning for 40 to 50 sick soldiers. That lasted for more than four months without their ever having failed to have each according to his need and even his taste whatever they could desire without prejudice to their health, furnishing them some sweets which previously were unknown to them; that has always continued and increased. Monsieur de Salmon, Commissaire Ordonnateur, has never refused anything which they have made him see to be necessary.

We have reason to thank God for the success which He gives to this work of Christian charity. The spirit of our holy institute spreads itself by the solid good which our dear Sister does for their souls while caring for their bodies. More than thirty have died since the 14 months that she has been employed there, and there have been few of this number who have not made an edifying end. Many whose libertine lives gave just cause for fear have entered with surprising facility into the sentiments of piety and religion which have been suggested to them and have formulated of themselves some sentiments sufficiently beautiful to cause us admiration.⁴⁰

As the chapel of the Convent adjoined the new military hospital which had not yet been completed, the question of the chaplaincy and the old disputes between the Jesuits and the Capuchins again arose. Of this Salmon writes:

The small number of these Religious is the reason why, since my arrival here, there has been no chaplain for the hospital. The parish priest and Father Vitry, Jesuit, have

⁴⁰ Translated by the author from the "Book of Deliberations of the Council," Ursuline Convent archives, pp. 252-255. "Original signed by Sister Jeanne de St. André Melotte, Superior. New Orleans, day and year as above."

Sister Jeanne de St. André Melotte was a professed religious of Caen. She arrived at New Orleans March 16, 1732, and was elected Superior following the death of Mother Marie de St. Augustin Tranchepain on November 11, 1733. Sister St. André Melotte died April 12, 1747. The above account seems to be in the handwriting of Sister St. Pierre (Marguerite Bernard de St. Martin) who arrived with Sister St. André. The "day and year" have been omitted, but from the content one may conclude that it was written in November or December, 1735.

gone there when the sick have called for them. . . . I will let things go in this manner until the new hospital is finished. . . . As this hospital will be contiguous to the house of the Ursulines who will be in charge of it, and considering their repugnance to having a Capuchin as their director, they would not be pleased to see a member of this Order chaplain of the hospital. It would then be fitting to give the chaplaincy to the Jesuit who would at the same time be their director.⁴¹

The details of this part of the Jesuit-Capuchin controversy is well covered by the Rev. Jean Delanglez, S. J., in his *French Jesuits in Lower Louisiana*. He gives many references, among which the following extracts are not without interest:

These Capuchins have until now taken care of the hospital in New Orleans, except for the Mass which is said by a Jesuit, since the Ursulines moved in. He is saying it in their chapel which opens on the ward where the sick are. We thought that, to relieve the Capuchins, it would be well that the Jesuit be also chaplain of the hospital, be given a room there where he could stay during the day, and thus be at hand should any patient require his ministration at any time. If necessary, he could even spend the night there in case of urgency. We selected for this position Father Doutreleau, formerly Superior of the Jesuit Illinois mission. He is about forty-five years of age and is too old to learn the Indian Language. We do not mean by this that the place should be given to the Jesuits, it might stir the jealousy of the Capuchins, or of any other Order that, later on, might be sent to Louisiana. We are only thinking of it as of a commission ad interim. This chaplaincy should rather belong to a secular priest than to a Religious.⁴²

Bienville and Salmon, in expressing their satisfaction with the official chaplain, said:

Father Matthias (Capuchin), on arriving here contended that the chaplaincy belonged to his Order, and at the beginning even started some commotion by sending his Religious to act as chaplains. But he abandoned his claim when we told him that this chaplaincy belonged neither to the Jesuits nor to the Capuchins, and that a secular priest could be chosen. We showed him the royal itemized account of expenses in which this chaplain is not listed with the ecclesiastics, but with the colonial officials. It says: "A chaplain in New Orleans, whose salary shall be 800 livres" . . . It is not said in these accounts that he should be stationed at the hospital,

⁴¹ N.A., C., Sér. C 13, vol. XVII, fol. 10; Rev. Jean Delanglez, *The French Jesuits in Lower Louisiana* (Washington, D. C., 1935), 369.

⁴² N.A., C., Sér. C 13, vol. XXII, fol. 25; Delanglez, *French Jesuits in Lower Louisiana*, 370.

but we thought that nothing could be better to help the sick than if this chaplain were to reside in the hospital itself. He will have a room there, next to the pharmacy, when the latter is built. In the meantime, the Sisters have given him a room outside the cloister, where he spends the night when there happens to be sick people in danger of death among the patients of the hospital.⁴³

IV. NEW HOSPITALS

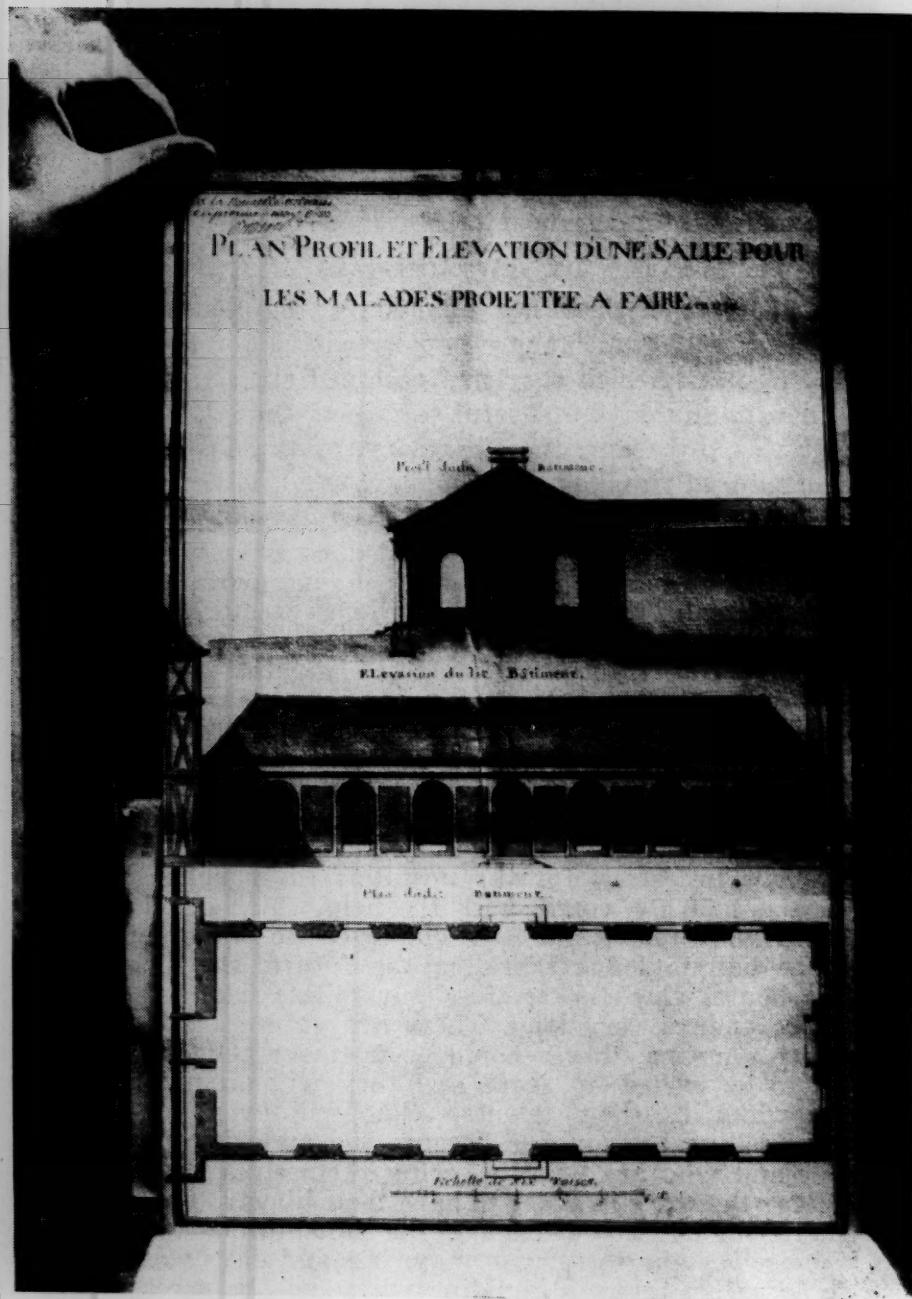
Although the Ursulines abandoned the house of the St. Reyne Concession which the Company rented for them from the Dame Kolly and which they had occupied since their arrival in New Orleans, its days of useful service to the city were not yet over. It was to become the first home of the Charity Hospital, as reported by Bienville and Salmon, May 20, 1737:

One named Jean Louis, formerly a sailor for the Company of the Indies and who had done some small business, died last year a bachelor and left by an olographic testament all his wealth to found a hospital, this wealth, all debts paid consisted of about 10,000# of silver by count. We have thought conjointly with the Curé and the executor of his testament that no better use could be made of it than in the acquisition of the house of Madame de Kolly which is in a large site at the extremity of the city, and which the Religious formerly occupied. It only cost 1200# because there were many repaixs to make which have amounted to 2500#. There was bought at the same time beds, linens and the other utensils necessary for the hospital; the surplus amounting to about 5000# could, with the help which could be drawn from the inhabitants, be employed to build in brick a large hall to lodge there, in the future, the sick, because the house which is on sills (sur solles) cannot be counted on to endure very long. There are at present 4 or 5 sick, by this means, there should be no more beggars. They are all to be locked up there and they will occupy themselves according to their talents. That will even contribute to diminishing the number because the majority of those who beg and who are healthy seeing themselves thus locked up prefer the work in order to have their liberty. This beginning establishment could engage the inhabitants to contribute themselves and to furnish materials and days work in order to construct the solid building which will be necessary when the old house will no longer subsist. That will discharge, at the same time, the hospital of the King where they were often forced to reserve the poor inhabitants, who without this help would have perished miserably.⁴⁴

⁴³ N.A., C., Sér. C 13, vol. XXIII, fol. 5; Delanglez, *French Jesuits in Lower Louisiana*, 371.

⁴⁴ N.A., C., Sér. C 13, vol. XXII, fol. 30.

PLATE 11



Archives Nationales Col. C-13-A #307

At New Orleans the first May, 1733 — Broutin.

Plan, profile and elevation of a hall for the sick projected to be built in 1733.

(Wing attached to Ursuline Convent.)

Profile of the said building.

Elevation of the said building.

Plan of the said building.

Scale of six toises.

The new military hospital as a wing of the convent had also been completed soon after the Ursulines moved in, and the nuns were able to take up their duties in the care of the sick. Unlike the main building which was of columbage construction, that is, a heavy wood framework filled in with brick in medieval fashion, the hospital was a one-story brick building with a hipped roof in the formal French style of Louis XV, with quoins and stucco cornice. It extended out from the east end of the convent parallel to the river, and consisted of a single large room with a fireplace at the far end flanked by windows. Entrances were provided in the center of each of the long sides and at the end adjoining the convent. This building is shown in a drawing by Broutin dated May 1, 1733, the year in which its construction was begun. The cost of these buildings must have exceeded the appropriations, but this excess was granted by France, the Governor and Intendant expressing their gratitude in two letters, as follows:

New Orleans—March 24, 1735.

We have received with the dispatch of Your Highness of the 28th September last the statement of the King for the expenses of last year and we have seen with great pleasure the replacement which he has favorably willed to have accorded of the 46,100# for the expenses formerly made at the building of the Religious and for the hall of the hospital. The fund of 30,000# which he has favorably willed also employed, in the same statement, for the construction of the barracks is more than consummated. . . .

Bienville; Salmon.⁴⁵

New Orleans—April 19, 1735.

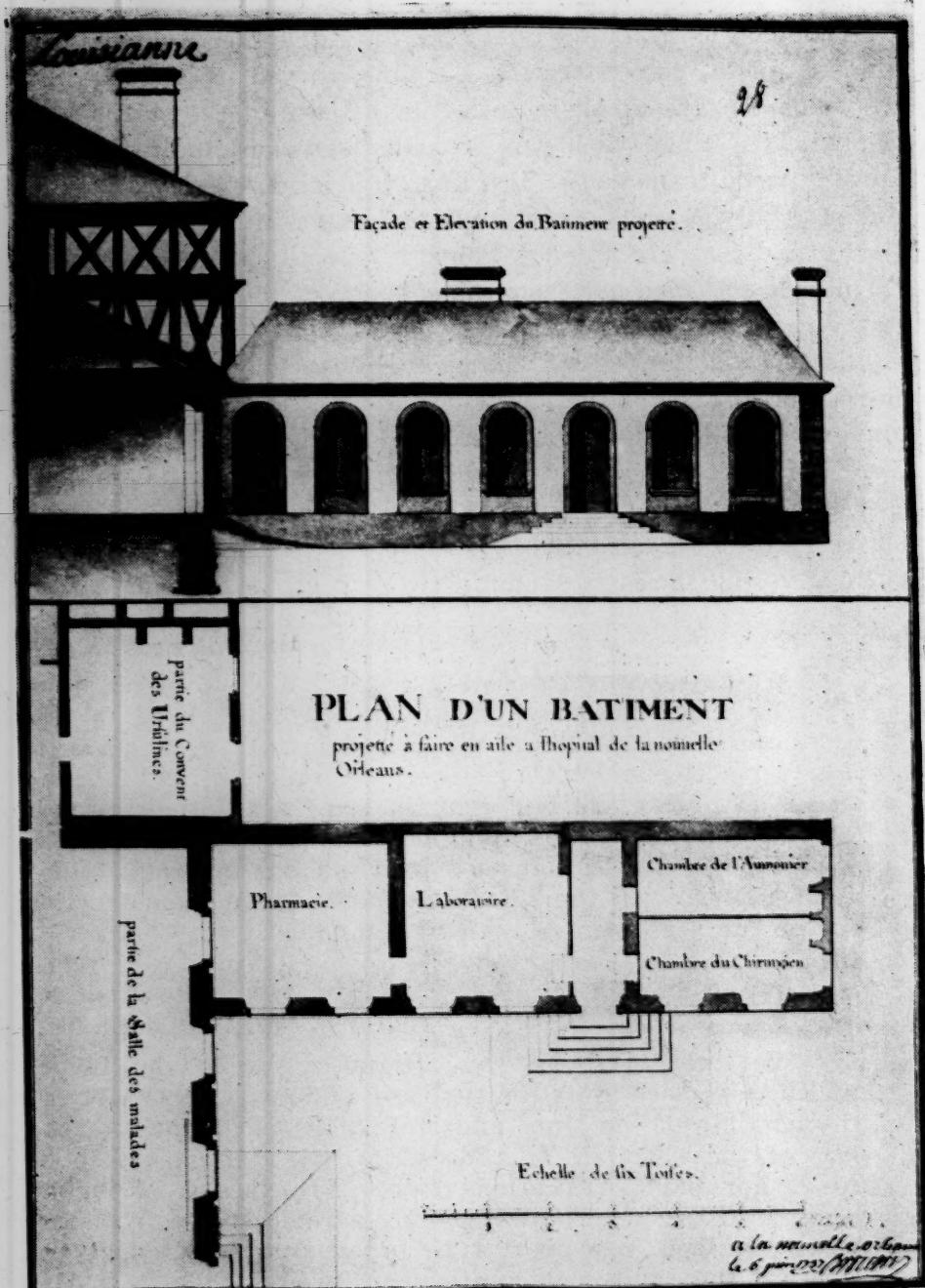
We have to thank your Highness for having kindly willed to replace to us the funds of 27,900# in one part for the building of the Nuns and of 18,200# in another for the hall of the hospital. That does not make any increase of funds for our fortifications since the expense of it has been since the year 1733, but only a replacement. We shall be constrained in a short time to have constructed at the side of this hall a laboratory to prepare the remedies necessary to the sick. . . .

Bienville; Salmon.⁴⁶

⁴⁵ *Ibid.*, vol. XX, fol. 3.

⁴⁶ *Ibid.*, fol. 71.

PLATE 12



Ministere des Colonies, Louisiana #28

Plan of a building projected to make a wing to the hospital of New Orleans.
Facade and elevation of the proposed building.

Part of the Convent of the Ursulines.

Part of the Hall of the sick.

Pharmacy—Laboratory—Chaplain's chamber—Surgeon's chamber.

At New Orleans the 6th of June, 1737.

Scale of six toises.

Broutin

This laboratory, too, was eventually built, in a style similar to the hospital, originally planned to extend back from it toward Royal Street at the point where it joined the convent, thus making a T-shaped group. This new building which had a blank wall on the convent side, was to contain a pharmacy and a laboratory with a large chimney and smaller rooms for the chaplain and the surgeon. Under these latter rooms was to be a cellar probably for the storage of medicines. In Broutin's drawing of June 6, 1737, this building is shown in pink with a darker red trim for the architraves and quoins, but whether or not it was actually so painted is problematical. It was not, however, until 1742 that funds for it, as well as for a kitchen and another small building were ordered by Broutin as outlined in this extract from a "statement of the fortifications and buildings built in the different posts of the Province of Louisiana and for which the funds have not been ordered," dated New Orleans, March 22, 1742:

The building filled in with bricks to put the soldiers through the "great remedies" (Le batiment hordé de briques pour passer les soldates par les grands remedes) amounts to the sum of..... 2,000#

The building of brick masonry serving as kitchen with a cellar under one part and an entresol above amounts to the sum of..... 9,300#

The other two small buildings of masonry to serve as pharmacy and laboratory where there is a cellar under one part and the other to make a chamber for the chaplain and a hall for the officers, or in order to treat there different sicknesses which are communicable could amount together to the sum of.... 18,900#

Broutin.⁴⁷

By this time Broutin had probably changed his plan and instead of the one wing originally intended, two were built, one to serve as a kitchen and the other being a laboratory. These two wings, each 20 by 40 feet, formed an open court on the rear of the hospital. The other building mentioned extended toward the river at the east end of the hospital, the laboratory being also changed to that end and the kitchen being located at the convent end. These buildings, with the exception of the convent itself, were all standing at the time of the transfer of Louisiana to Spain and are included in the inventory of public buildings made by Foucault in 1766.⁴⁸

⁴⁷ *Ibid.*, vol. XXVII, fol. 159.

⁴⁸ *Ibid.*, vol. XLVI, fol. 47.

Foucault describes the large hall of the sick as being of brick masonry, 90 by 34 feet, with a chimney at one gable, tiled on the ground floor with terra cotta tiles which had in places been replaced with brick laid flat. The roof was of shingles. The doors and windows were glazed casements, opening in, with semicircular transoms and shutters. The chimney was tied to the hip rafters with an iron rod and S-shaped anchors.

The wing on the river side, probably of columbage, was 36 by 20 feet, consisting of two rooms with a chimney between. Its floor was of wood, the hearths of brick, and the roof covered with shingles. The valley between its roof and that of the hospital was provided with a lead gutter. Its doors and windows were similar to those of the hospital.

The laboratory, 20 by 40 feet, was built of solid brick masonry with a gable at the rear and a hip against the hospital wall. Two dormers were also of brick, the roof being of flat tiles. On the court side, a 6½-foot gallery of wood was probably added later and roofed with shingles. A brick walk (probably elevated to the level of the floor) connected this gallery to the rear door of the hospital. A wood stair led to the attic. Four of the windows were provided with wrought-iron grilles composed of six 6½-foot long square bars fixed to a pierced cross bar. The floor of the laboratory was of brick laid on edge, but that of the adjoining pharmacy was of wood.

The kitchen, similar to the preceding building was however, built of columbage and had a shingle roof with three dormers and no porch. Various other small buildings were located behind this principal hospital group. The entire group was in very poor condition, according to Foucault's inventory, and was built on land belonging to the nuns.

V. THE SECOND CONVENT

The nuns did not spend many years in the new home for which they had waited so long. The wood frame, which had stood so long unroofed, began to rot and by 1745 was ready to collapse. An elaborate plan for rebuilding was developed by Broutin and transmitted to France by Vaudreuil who had become Governor of the Colony, with the following report:

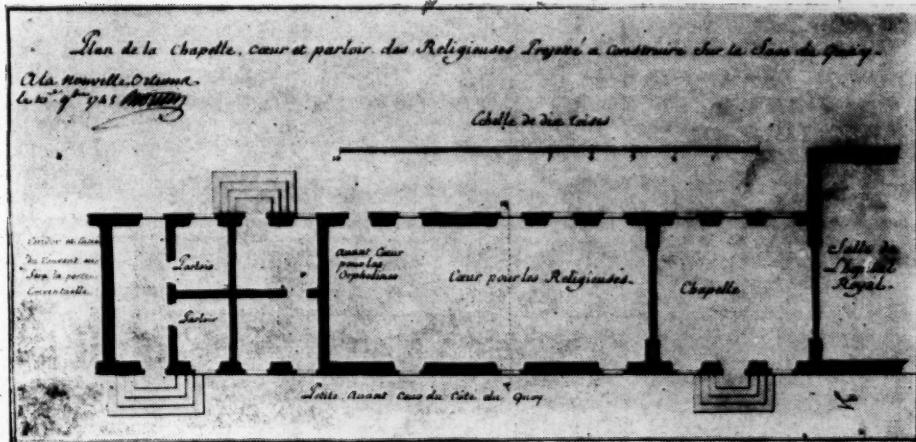
We have the honor to address to you also annexed, the plan with the estimates of the buildings projected for the lodging

of the Ursuline nuns who take care of the hospital of New Orleans, that which they presently occupy being no longer able to subsist and failing everywhere. We have been obliged this summer to prevent it from falling totally and crushing the people who live there, to have some repairs made, waiting until next year that we may receive your orders on this subject.

The expense of these new buildings is truly quite considerable since it amounts, following the estimative statement to 77,327# 12s 10d and it seems that at the present time it is no longer fitting to dream of such enterprises, but the absolute necessity of housing these nuns, there not being elsewhere any building where they could be placed, and the attention suitable to have, to make in this respect, durable buildings, to prevent the repairs which are often repeated, as we have had the experience in the colony, far exceeding what it would have cost to build something solid at first. We have brought to you in making the proposition, to begin next year after the reception of your orders only the building which must serve as a lodging for these nuns, of which the estimate amounts in particular to 49,665# 8d and to wait until the others can be done more easily.⁴⁹

⁴⁹ *Ibid.*, vol. XXIX, fol. 16.

PLATE 13



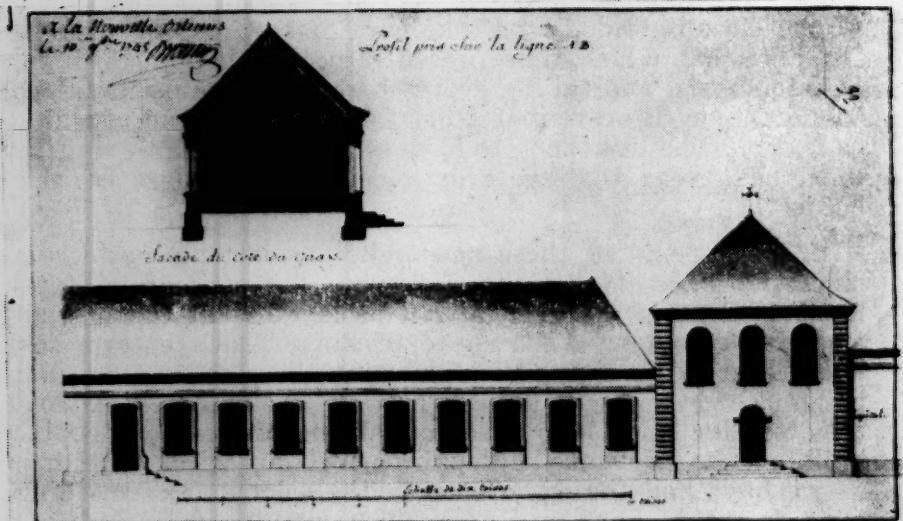
Ministère des Colonies #31

Plan of the chapel, choir, and parlor of the Nuns projected to be constructed on the Quay front.

At New Orleans, the 10th November, 1745.

Eroutin
Corridor and entrance of the convent where will be the conventional door. Front
Choir for the orphans—Choir for the Nuns—Chapel—Hall of the royal
hospital. Small forecourt on the Quay side.

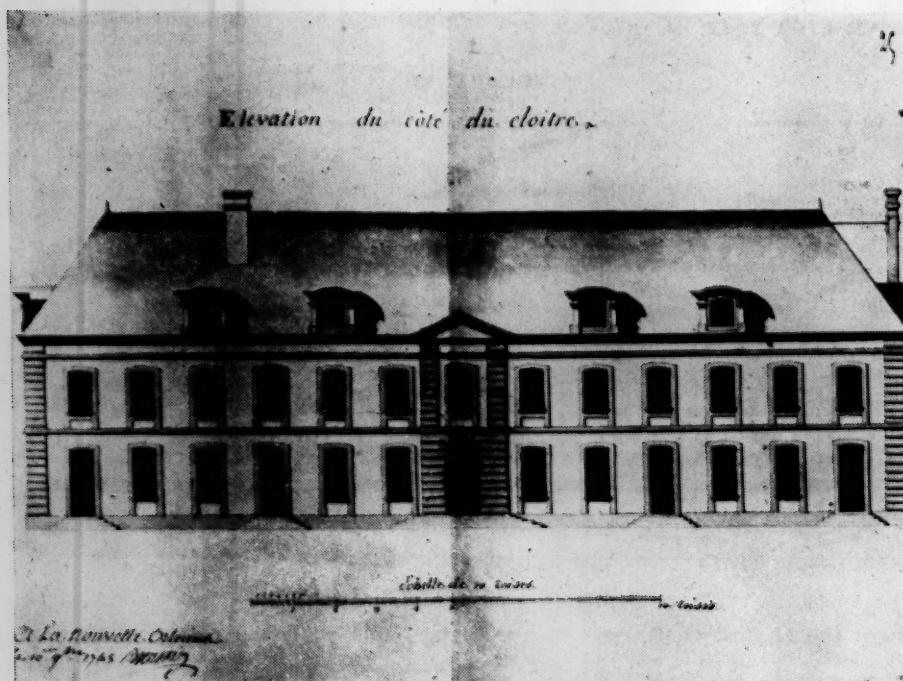
PLATE 14



Ministere des Colonies #32

Profile taken on the line A.B. Facade of the side of the quay (Ursuline Convent). At New Orleans the 10th November, 1745. Broutin
Scale of ten toises.

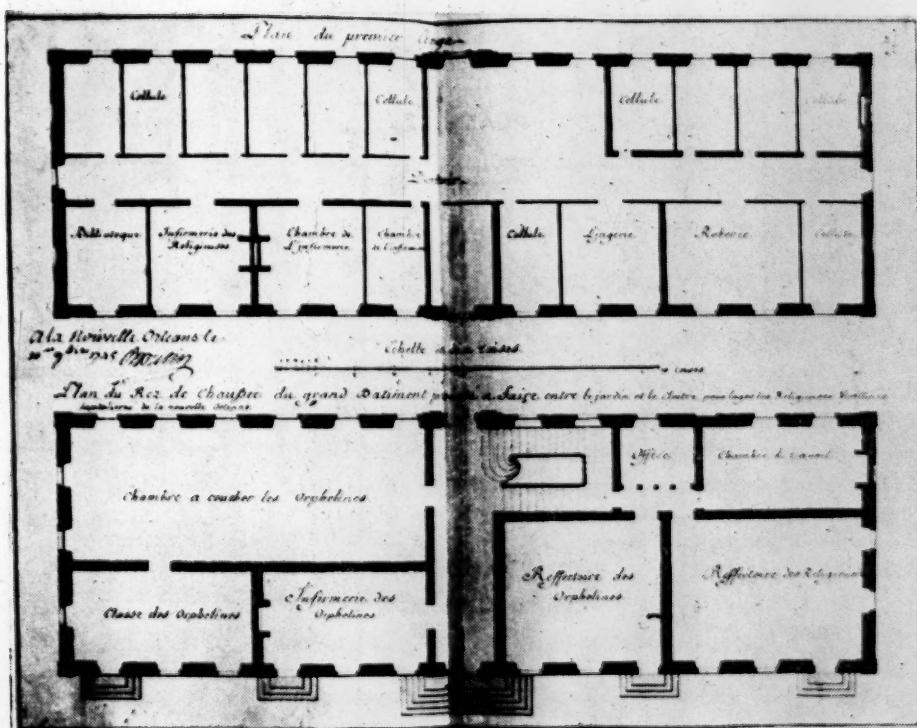
PLATE 15



Ministere des Colonies #25

Elevation of the Cloister side (Ursuline Convent—Chartres Street). Scale of 10 toises. At New Orleans, the 10th of November, 1745. Broutin

PLATE 16



Ministère des Colonies #10

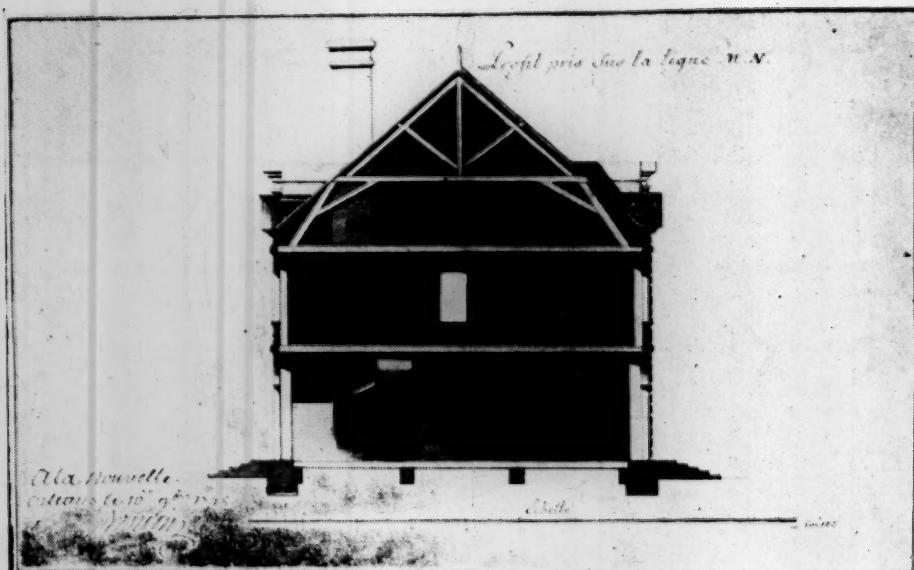
Plan of the first floor — Cells—Library—Nuns' infirmary—infirmary chamber—linen—robe room—Dormitory. Scale of ten toises.

Plan of the ground floor of the large building projected to be made between the garden and the cloister to lodge Ursuline nuns — Hospitaliers of New Orleans—Sleeping room of the orphans—Class of the orphans—Infirmary of the orphans—Office—Work room—Refectory of the orphans—Refectory of the nuns.

At New Orleans the 10th November, 1745.

Broutin

PLATE 17

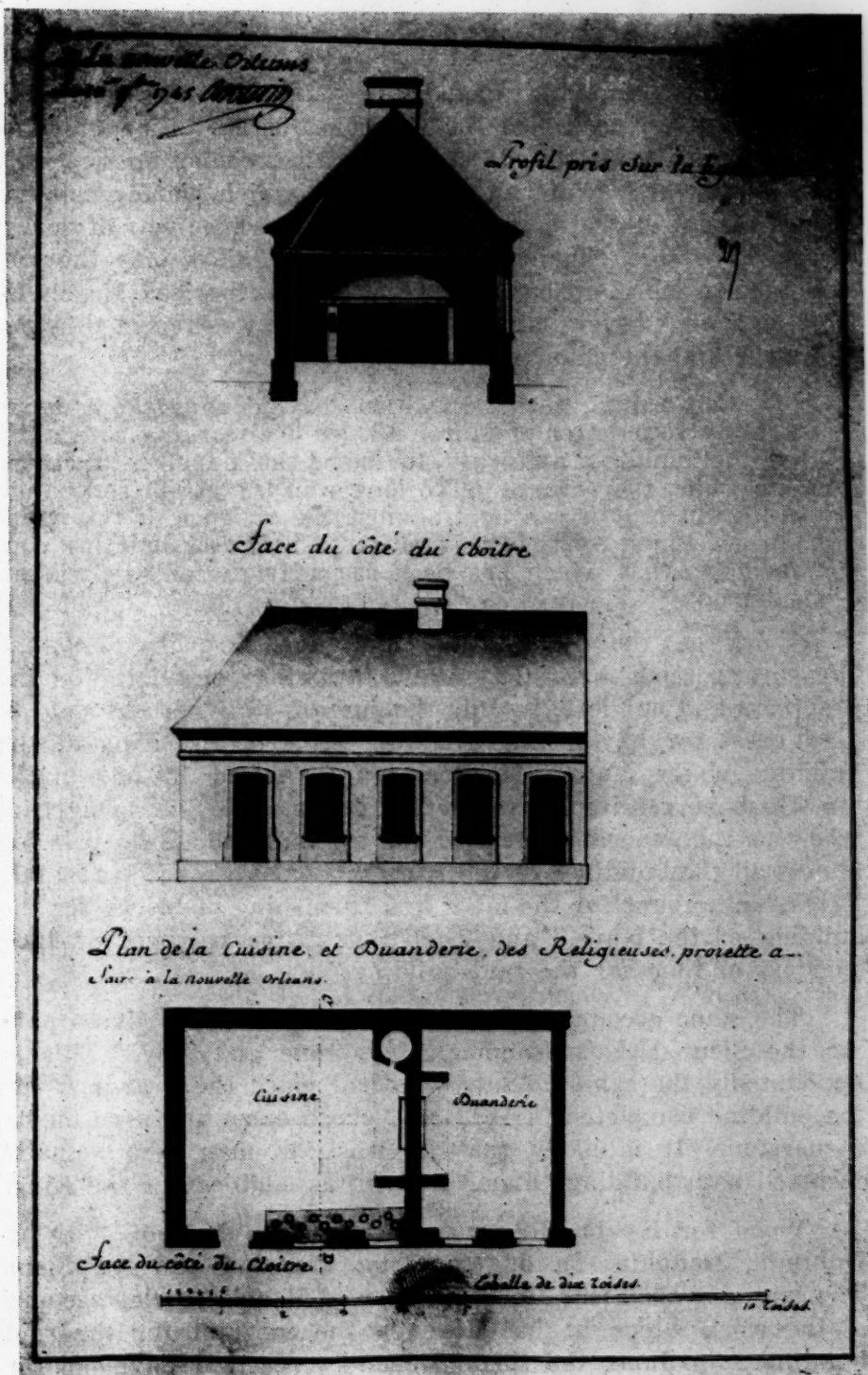


Ministere des Colonies #33

Section taken on the line M.N. (Ursuline Convent)
At New Orleans the 10th November, 1745.

Broutin

PLATE 18



At New Orleans, November 10th, 1745.
Profile taken on a line CD.

Broutin

The side towards the cloister.

Plan of the kitchen, and laundry, for the Nuns, projected to be made at New Orleans.

Broutin's plan, which included the building which still stands on Chartres Street, called for the construction of an entrance lodge on the site of the old convent with a chapel opening into the hospital, and a kitchen and laundry which would enclose a court in front of the main building. The entrance was of course on the river side. Finances would, however, allow only the construction of the main building which was authorized March 18, 1748, and work began immediately. Progress was reported by the Governor and Intendant as follows:

Conforming to that which you have done us the honor to note by your letter of March 18, we are working constantly on the building necessary to lodge the nuns. In fact the one which they occupy is no longer in a state to serve, and we doubt that it can hold against the violence of the wind-storms which reign in this country. This new building conforms to that which has been formerly presented by Monseigneur.⁵⁰

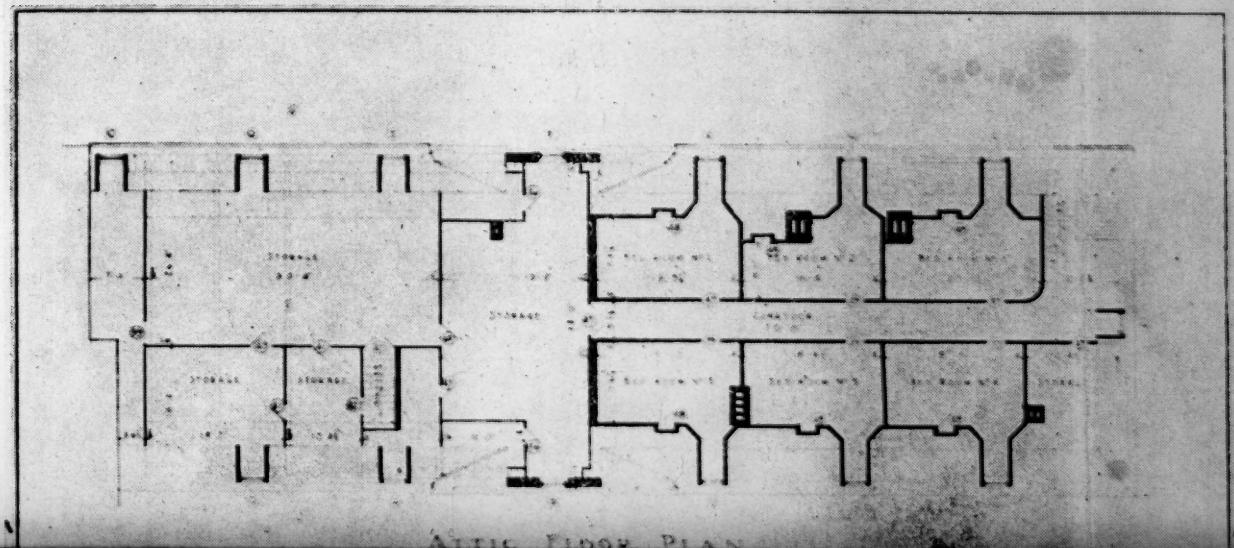
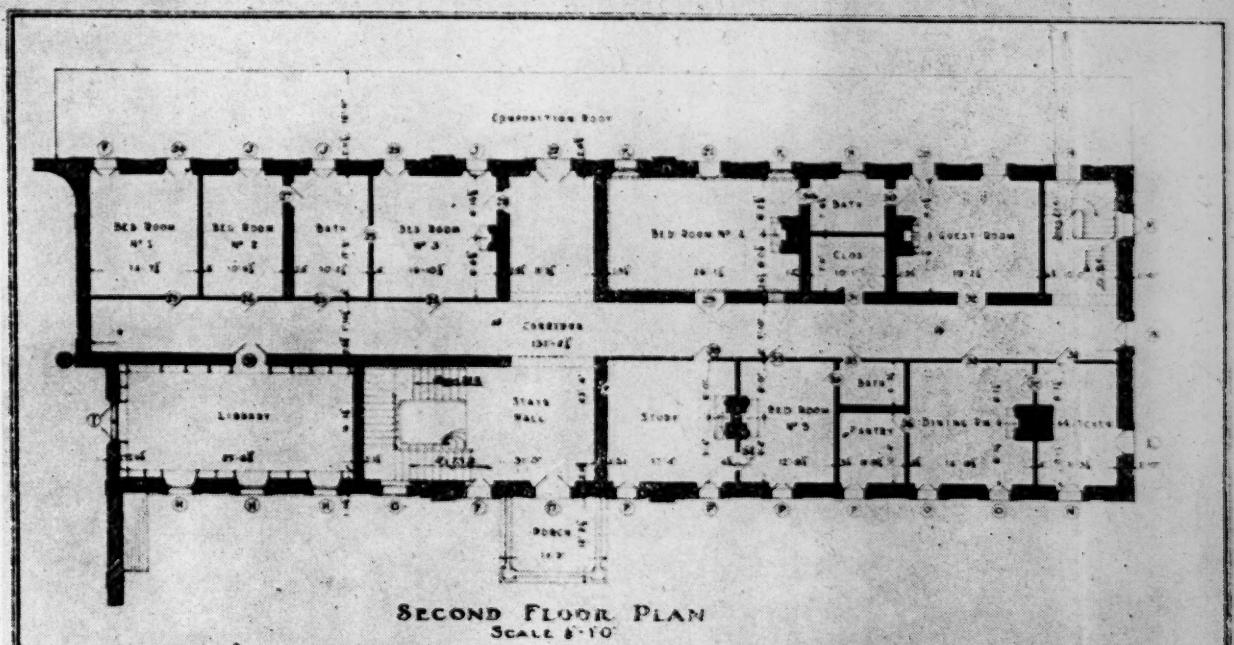
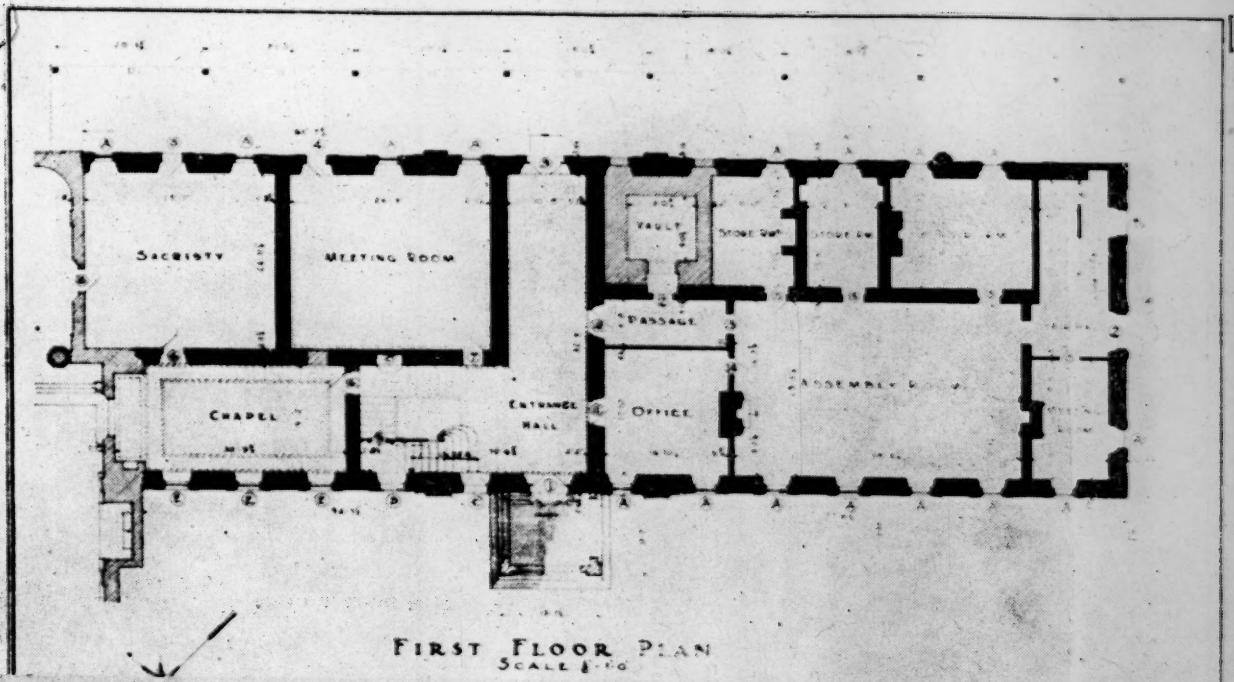
Work on the building continued on through 1749, the Treasurer's reports for that year⁵¹ throwing some light on the designers and builders. In July the sum of 45 livres was paid to "la Forest for having engraved the arms of the King at the building of the Nuns." M. Demoran furnished 133,500 bricks for which he received 2,002 livres 10 sols. The Sieur Dubreuil, who was the general contractor for the building, as he was for almost all the buildings of the King in Louisiana, received 1,000 livres "on account for the labor and furnishing of bricks for the building of the Nuns," and 2,400 livres "for payment of 1200 quarters of lime for the said building."

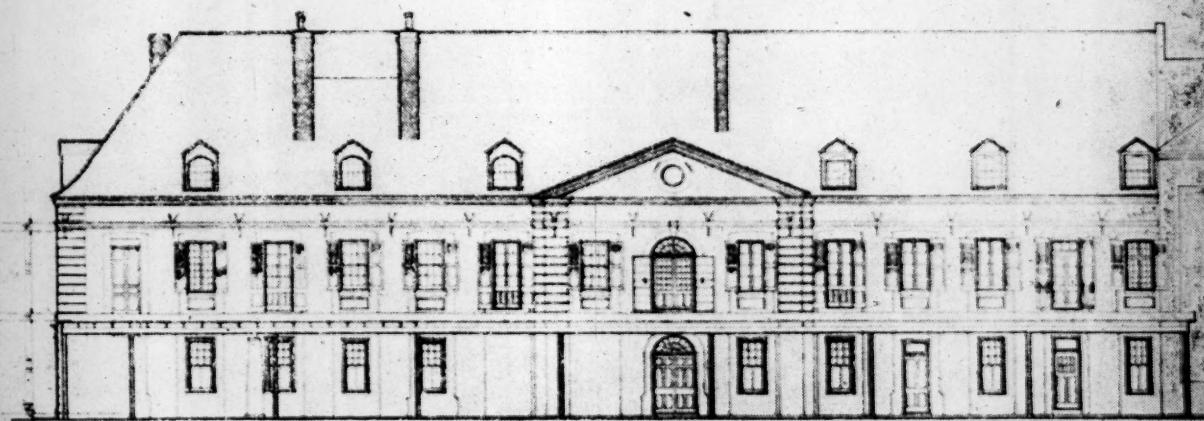
The same account also lists among salaries 180 livres paid "to the Sieur Debat, designer, May, June and July." This is undoubtedly the same DeBatz who had made the drawings for the building completed in 1734 and whose name appeared on its cornerstone. It is likely that he was the man who actually designed both buildings under Broutin as engineer of the King.

Wood for the building was furnished in May of 1749 by Dubreuil, Dauphin, M. de Maccarty, Flamand and the Sieur Tixerant, and the Sieur Dubreuil received 5000 livres "on account of the work which he has done on the contract for the said building." In June, the Sieur Delaunay received payment for

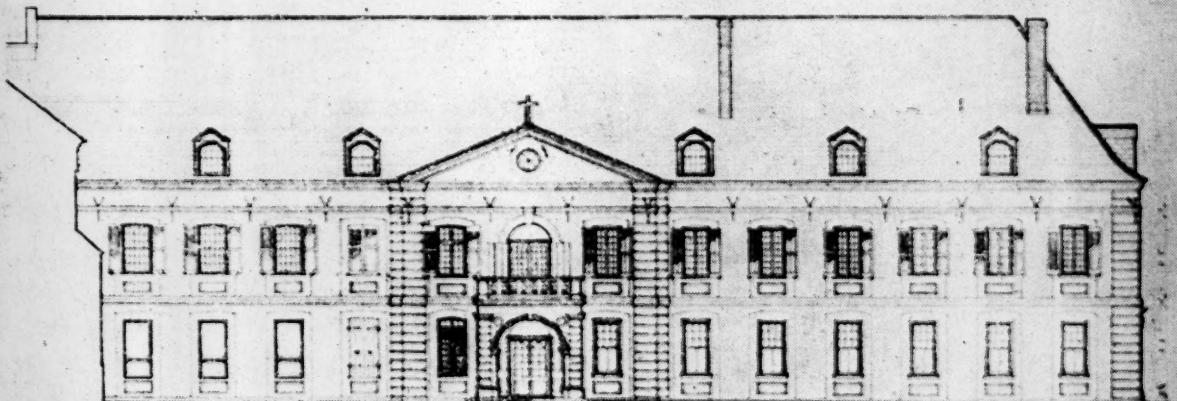
⁵⁰ *Ibid.*, vol. XXXII, fol. 16.

⁵¹ *Ibid.*, vol. XXXIII, fol. 223-284.

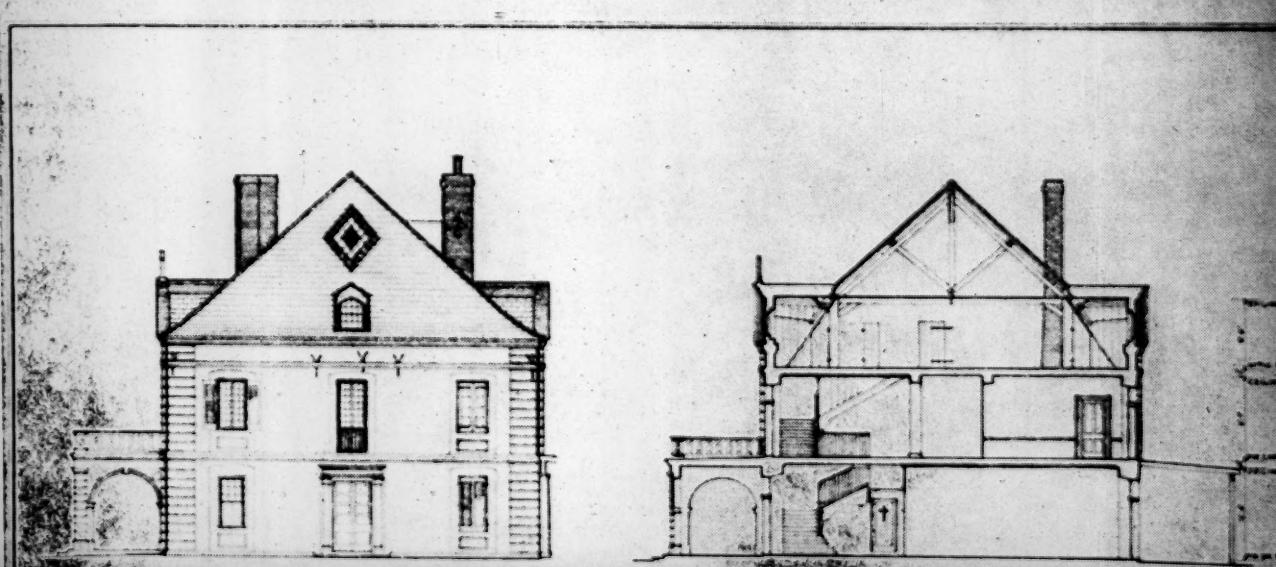




SOUTH-EAST ELEVATION
SCALE 1:50'



NORTH-WEST ELEVATION
SCALE 1:50'



U.S.
DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL
ARMED FORCES BUILDINGS AND RESERVATIONS
BRANCH OF PLANS AND DESIGN

THE ARCHBISHOPRIC

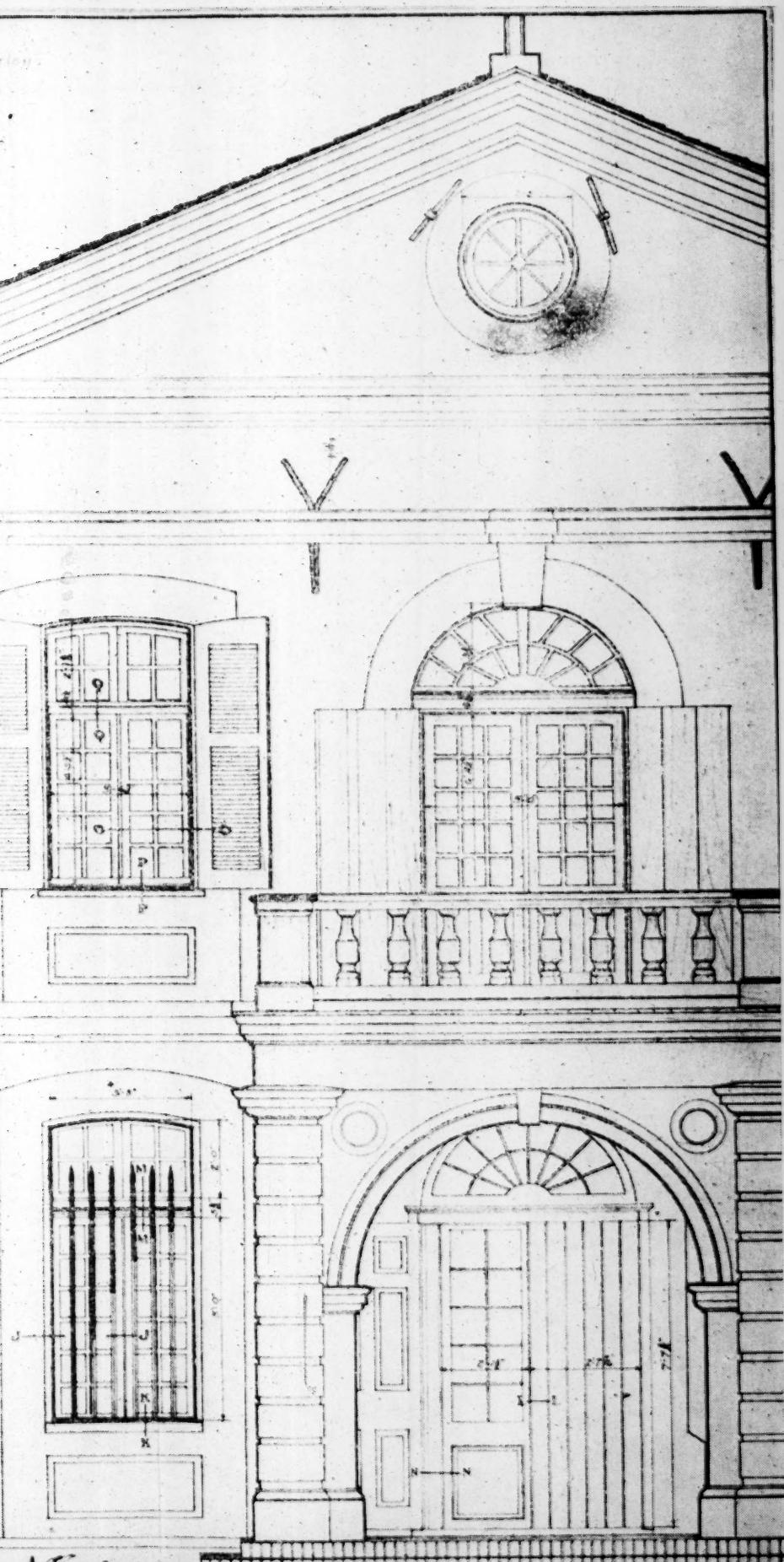
1114 CHARTRES STREET
NEW ORLEANS LOUISIANA

10-2
MAY 23, 1924

HISTORIC ARMED
FORCES BUILDINGS SURVEY
sheet 9 of 20 sheet

DETAIL OF CENTRAL BAY

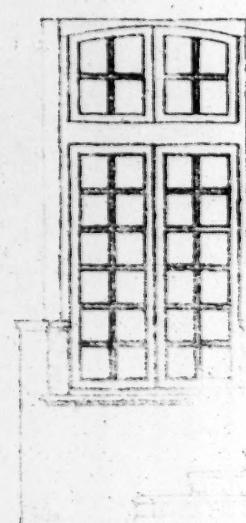
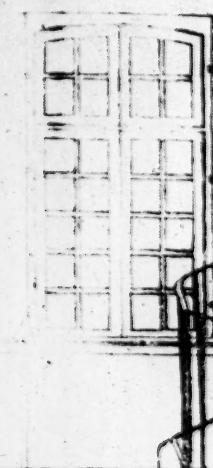
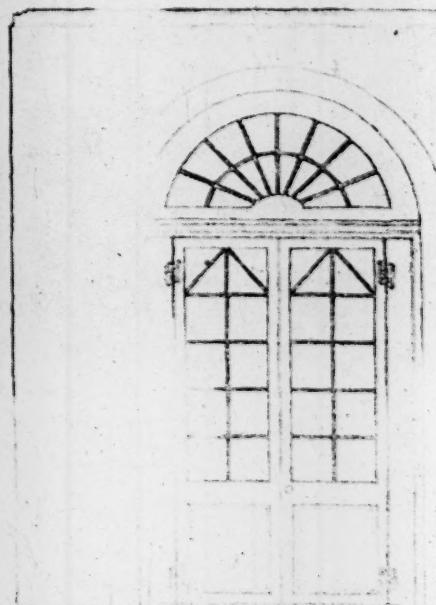
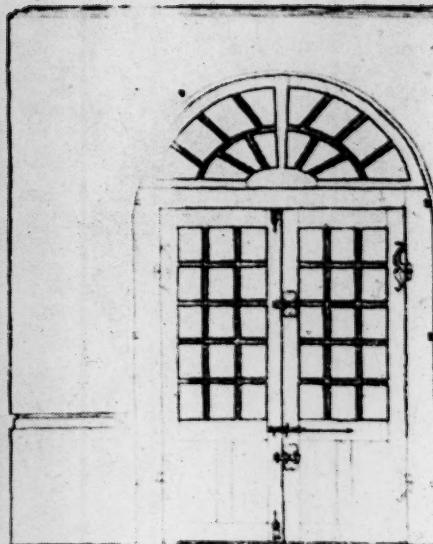
SCALE 1 - 100



N.W ELEVATION

1' 0" 2' 0" 3' 0" 4' 0" 5' 0" 6' 0" FEET

SCALE.



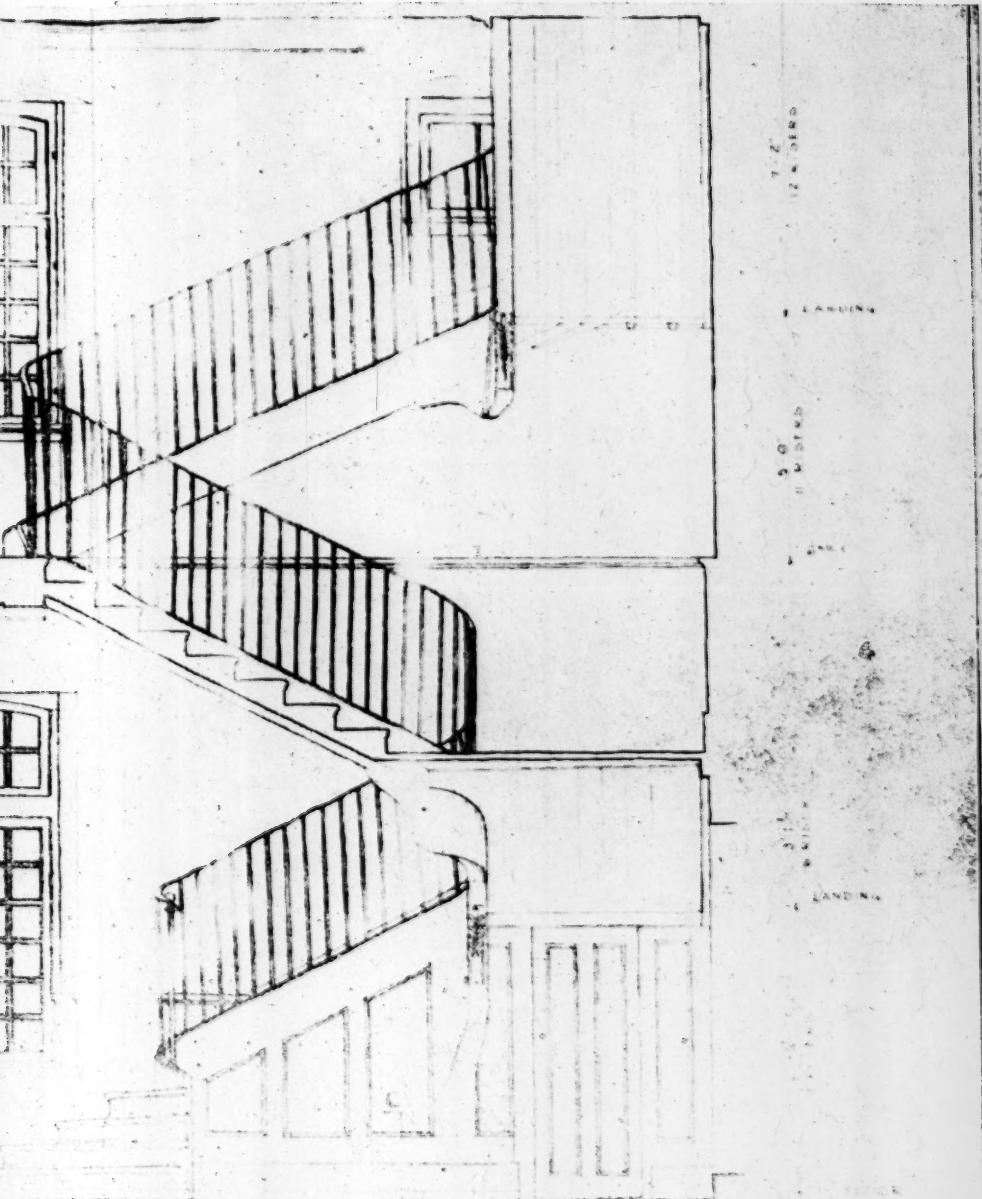
SECTION D-D THRU ENTRANCE HALL AND
SCALE $\frac{1}{2}$ - 1'-0"

The staircase is of hand hewn cypress with wt iron handrail, balusters
The fanlights shown are from the doors at the opposite end of the hall
having been replaced with stained glass lunettes in 19

DAMAGED IN 1911

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS
BRANCH OF PLANS AND DESIGN

NAME OF STRUCTURE
THE ARCHBISHOPRIC



END MAIN STAIR SEE SHEET NO 17

SCALE

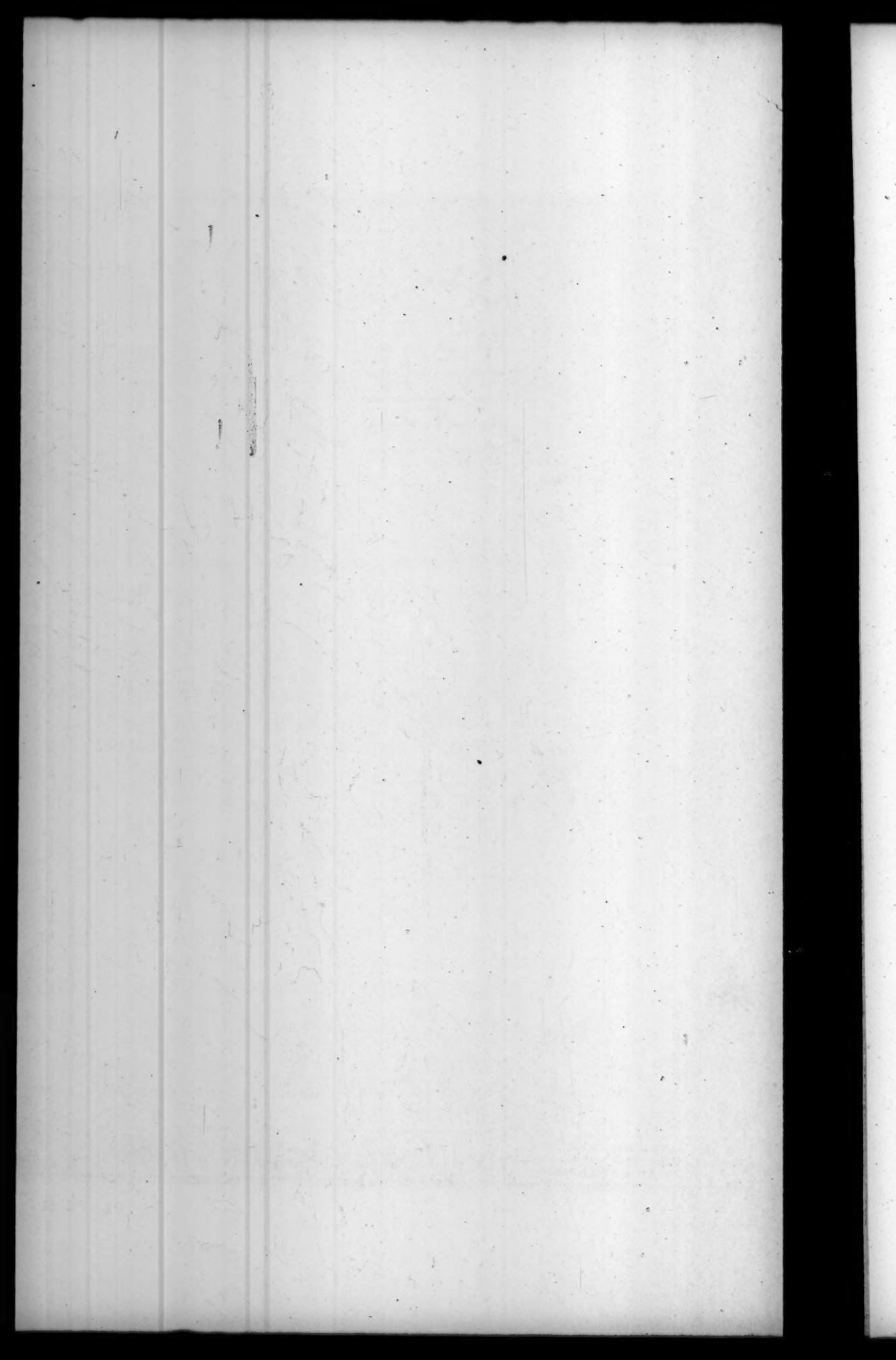


STRUCTURE
1114 CHARTRES STREET
NEW ORLEANS, LOUISIANA

SURVEY NO.
18-2
APRIL 18, 1934

HISTORIC AMERICAN
BUILDINGS SURVEY
SHEET 16 OF 30 SHEETS

INDEX NO.



wood, and 1,200 livres was paid "to one named Liotot, contractor, for the masonry of the building of the nuns on account of his work."

In 1749 Michel arrived in Louisiana as Intendant and interested himself in the construction work under way and necessary to the Colony. On July 27th of that year, he wrote:

I have nothing more pressing on arriving here than to visit the warehouses, and particularly the large one, which I have found in such a bad state that if one defers making repairs to it, it would be dangerous, for the framing which is fortunately found good would only crush the rest of the building which would already have happened if it had not been supported by bracing posts. I have in consequence of your orders, ordered the preparation of the materials in order to be able to work there as soon as the house of the religious will be enough advanced to dispense with a part of the workmen which it occupies.

I shall give the labor of it to the Sieur Dubreuil, whom you have approved on the condition that he will discharge himself, on the price of the adjudication, of the sum of 15,799# 6s 4d which he owes the King. They will not depend on my care that this building be not solidly built, and above all well founded, since it is from that, according to me, depends the little solidity which those have had which have been built to this day in the colony. The Sieur Broutin, engineer who is charged with the direction of these works had appeared to me in the taste of doing nothing not solid, and will hold his hand there.

I do not know if he has had the same exactitude to comprise in his statement all parts of expenses which must be employed in this edifice. I have had occasion to perceive that in that of the building of the religious, the iron grilles for all the windows were forgotten, which I have been obliged to order and which will form an increase of expense, there being so many openings in this building which are indispensable in this country because of the heat of the climate.⁵²

Of the iron grilles of which he speaks, only one remains today, that in the window at the front of the main stair, a fine piece of wrought iron consisting of a cross member near the top, with another on the sill, embedded in the jambs of the window and pierced by six square-pointed vertical bars. If all the windows of the building were thus barred, the cost of these

⁵²*Ibid.*, vol. XXXIV, fol. 87.

grilles must have been considerable. They may, however, have been only in the windows of the ground floor.

The work on this new convent seems to have progressed almost as slowly as on the original one. It is difficult from the few records to tell just when the building was completed, as the work was only mentioned in financial reports, and nothing regarding it has yet been found in the convent archives. In September, 1749, it was still far from completion, as Michel, on the 29th of that month, wrote: "I have likewise had drawn the sum of 60,000# on account of the building of the religious which is already above the windows of the first floor and which will support at least this expense before its completion."⁵³

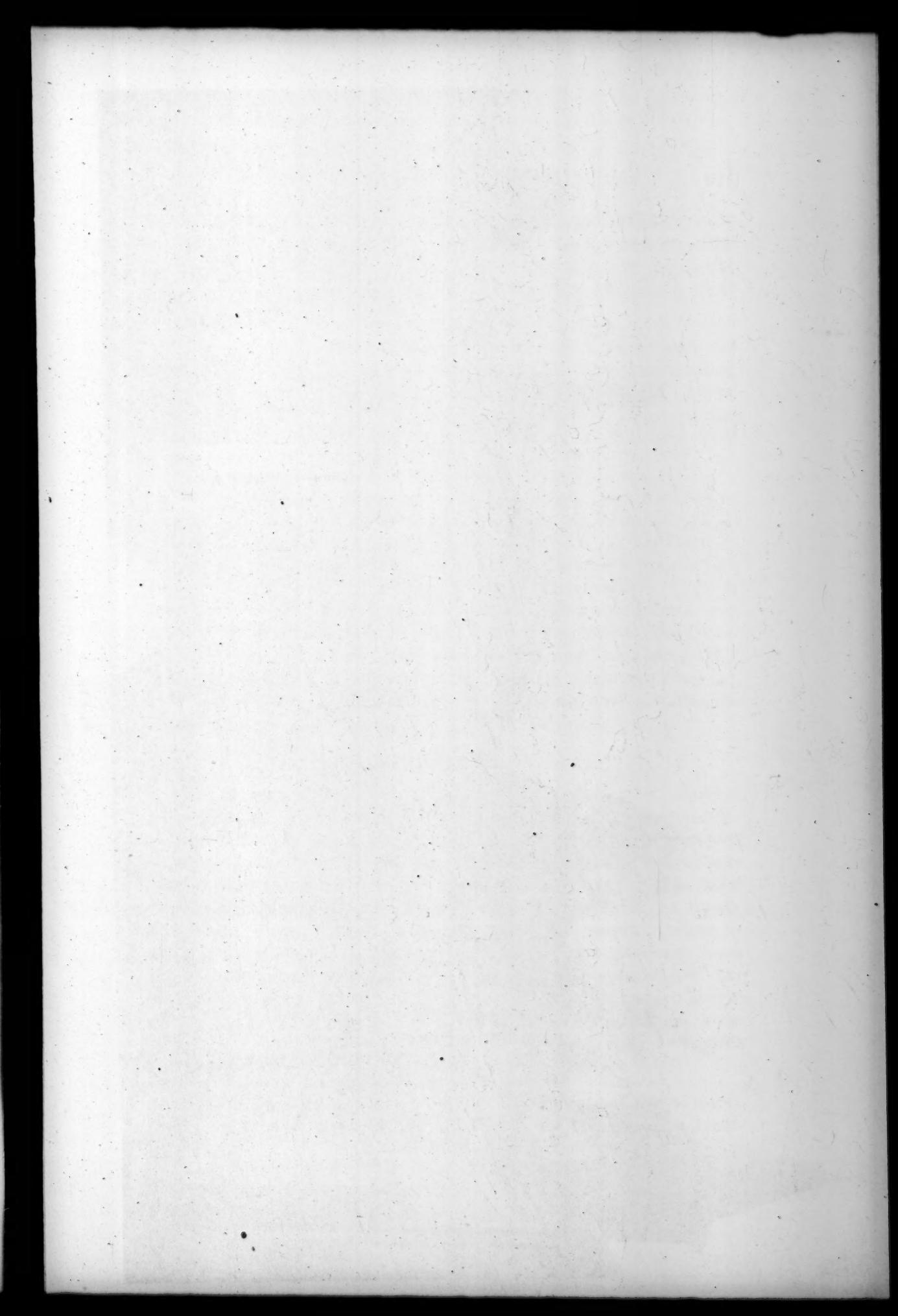
The walls were then up to the cornice, the first floor of a building in French terminology always referring to what we call the second. Payments on the work continued through 1751, 800# being paid "to the Sieur Grevembert on account of the masonry and labor of the building of the religious," and 263# 10s "to the same for some framing wood for the said building," and 2316# "to Sr. Villars for 772 barrels of lime for the building of the religious." These may have been budget items for which a form of payment may have previously been made, as explained by Michel in his letter of May 30, 1751:

I have had made the proper verification for what could be due for 1749 and the previous exercises it would appear that we will have to add for all these exercises, when you shall have had the bounty to have sent an order of funds of the sum of 10,000 livres for the payments made in 1749 on account of the building of the large warehouse of New Orleans and of that of 60,000 livres on account of the building of the Ursulines of the same city. These works of which the detailed account is here joined are paid in the colony, by means of letters of change which have been drawn at the time. But the funds for it have not been made by the statement of the King, and it is the only void which remains either in receipts or expenses on the exercises preceding the year 1750.⁵⁴

It was not until the statement for expenses for 1754, issued by D'Auberville, Commissioner of the Marine, on November 22, 1753, that the order was given "to complete payment for the new building serving as lodging to the Ursuline Nuns, the sum

⁵³ *Ibid.*, fol. 218.

⁵⁴ *Ibid.*, vcl. XXXV, fol. 280.



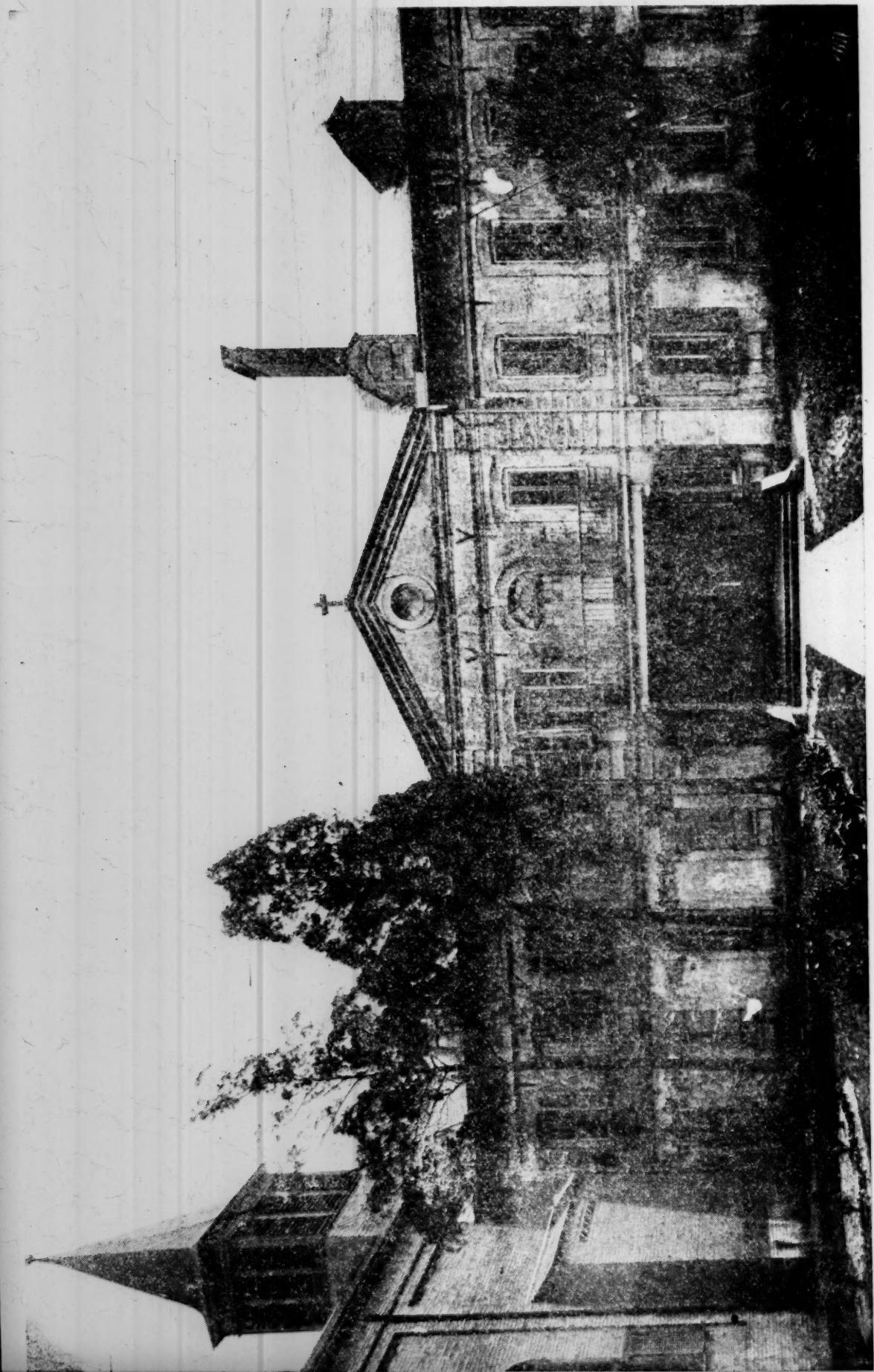


PLATE 23
First Ursuline Convent, 1734-1824.

of 28,984# 8s 7d." Thus it was probably not until 1752 or 1753 that the Nuns moved into their new convent. As the new building was located within their enclosure, the transfer was no doubt made without any of the ceremony which had accompanied their original move to this location.

The old building must have then, if not before, been demolished, and it is possible that some parts of it were incorporated in the new structure, perhaps even the main stair which seems identical in plan to the one in the first convent. Some of the doors and windows may also have been re-used, as they also were of similar design.

It is remarkable that the facts concerning the construction of this building should have been so completely forgotten in history, and confused with the earlier structure. As far back as 1815 this error prevailed, as indicated in Tanesse's map which shows the later building as having been constructed in 1733. It is also remarkable that in the convent archives, which have been so carefully preserved and in which everything done by the Order has been recorded, nothing has been found regarding this important event. The documents in the Paris Archives, however, leave no doubt as to the fact that the building now standing on Chartres Street was designed in 1745 by Broutin.

VI. ENLARGEMENT OF THE HOSPITAL

On December 31, 1744, the Ursulines made a new contract with Monsieur Le Normand, then Commissaire Ordonnateur for the King, for the care of the hospital. By the time the new convent was ready, the hospital had so increased in number of patients that the nuns were forced to ask the Court through the Abbé de Lisledieu for a revision of its terms. At the time the treaty was made, there were only thirty sick in the hospital, while in 1752 there were one hundred and twenty. Their revenues from the hospital, their allowances for the care of orphans and for themselves were hardly sufficient to keep their organization going, and new nuns could come from France only at the expense of the Louisiana convent, and without dowries. And new nuns were necessary for the care of the growing hospital.

There was also dissension between the doctors of the hospital, the physicians siding with the Ursulines and the surgeons treat-

ing them badly and even threatening "to have them driven from the hospital and having them replaced by the Grey Sisters (Sisters of Charity)."

Baseless rumors of the wealth of the Order and their profits from the hospital only seemed to discredit the nuns despite their zeal for the service of the Colony, and increased their difficulty in managing the patients. In his report to the Court the Abbé de Lisledieu stated:

From the lack of consideration of the health officers of the hospital for the said Nuns, the result is not only the independence and even revolt of the patients, but another disadvantage arises which deserves the attention of the Court, and which causes a very great prejudice to the community of the Nuns. As they are obligated by the treaty of 1744 to preserve and replace the furniture and utensils of the hospital . . . the patients, and particularly the soldiers who have been told that the said Nuns make much on the contract they made, pillage and steal all they can, the furniture, material and utensils of the Hospital, especially during the last days of their convalescence when they are near leaving and taking away their loot.⁵⁵

In this same report the Abbé mentions letters received by him from Vaudreuil and Michel "to call to his mind the buildings of the said Religious that were not yet completed and of which Messrs. the Governor and Commissaire Ordonnateur admitted themselves the indispensable necessity."

What action was taken on the Nuns' request for a revision of their treaty is not known, but plans were soon underway for the enlargement of the hospital. On April 28, 1753, Kerlerec, who had become Governor, wrote to the Minister:

It is also Monseigneur, of an indispensable necessity to enlarge the hospital of the King with a hall which could contain a similar number of beds as that which exists, and besides to add another of ten or twelve beds for the officers, who have been seen to perish miserably at home in case of sickness, deprived of all help.⁵⁶

This new hospital was situated below the old one, in the square now located between Governor Nicholls (once Hospital) and Barracks streets. The accounts of 1756, issued April 6, 1755, contain the following two items of expense relative to this hospital:

⁵⁵ *Ibid.*, vol. XXXVI, fols. 330-339.

⁵⁶ *Ibid.*, vol. XXXVII, fol. 48.

Expenses 1756.

Fortifications, artillery and civil buildings.

On account of the two halls which are being constructed for the hospital of New Orleans, The sum of Fifty Thousand Livres.....50,000#

On account of the works of the building which is being constructed at the said hospital to serve as kitchen to the Nuns and to the sick, the said building in brick masonry having 60 feet of length by 22 of width, with a division wall to make a warehouse for the provisions, and a gallery of ten feet of width on the front to correspond to that which will be made around the cloister, the sum of twenty-five thousand livres.....25,000#

D'Auberville.⁵⁷

From the reference to the gallery it would seem that this kitchen was more closely connected to the convent building than to the new hospital. As will be seen later, the main kitchen of the new hospital was never advanced beyond the foundations. It must have been the intention at this time to construct a gallery across the front of the main convent building and down the face of the kitchen, which according to a plan of 1793, was located at the east corner of the convent, thus forming a covered way around the cloister garden. A similar gallery was probably extended down the south side of the garden when a chapel was later erected there. It is doubtful, however, if this gallery was ever extended across the face of the main building as it is today, until very much later. The kitchen itself was perhaps similar to Broutin's drawing of November 10, 1745, with the addition of the gallery.

Before the new hospital was completed, Rochemore had become *Ordonnateur* and his quarrels with Governor Kerlerec over the construction of the King's buildings in New Orleans resulted in the recall of both, ending in their trial in Paris. Kerlerec accused Rochemore of being behind an association of four organized to contract for the buildings of the King. They were Destrehan, the treasurer, Grondel, the Swiss Captain, Dubreuil, and a fourth "who is only named in a whisper." Rochemore proposed tremendous expenditures for public works for the benefit of his association, having his stepson appointed treasurer for a better control of the finances. Kerlerec opposed

⁵⁷ *Ibid.*, vol. XXXIX, fol. 79.

all this, and only the hospital was built. Of this enterprise, Rochemore wrote on June 23, 1760:

The large hospital of the soldiers at New Orleans is very advanced and it will be in a state to be occupied in a few months. I cannot however, disguise to you, Monseigneur, the surprise which I had, on my arrival in this colony, to see constructed a building of 336 feet in length to serve as hospital to a garrison as inconsiderable as that of this place which in the most flourishing times has never exceeded the number of six hundred men, and which in the present time, is found reduced to around a hundred and fifty. I am assured that the strongest war places in Europe have no such considerable hospitals, and to occupy this one conforming to its construction, it would be necessary that His Majesty take the part of maintaining at New Orleans a garrison of at least five or six thousand men. The expense of this building is paid in the measure at which it advances, and can be regarded as an object of four hundred thousand livres.

They recently laid the foundations of the kitchen of this hospital which should answer well to the rest of the building, they could be evaluated at a hundred thirty thousand livres at least.⁵⁸

This kitchen was never completed, nor did the hospital long serve for its intended purpose. The barracks on the Place d'Armes threatened to collapse, being built of too heavy masonry for the inadequate foundations, and the ends of the joists having rotted from moisture soaking through the brick walls. The troops had to be evacuated, and the new hospital was the only building large enough to accommodate them. And so the hospital became the barracks and the street at its lower end became known as, and is still called, Barracks Street.

Further construction work was stopped by the transfer of the colony to Spain. The inventories of Foucault, previously mentioned, were made at this time (1766). His inventory of public lands includes the following descriptions of the convent and the hospital:

The land of the Convent of the Religious Ursuline Ladies Hospitalieres, containing 50 toises of front to the river by 112 of depth on which is the principal building of the nuns with an upper story in masonry, their parlor, the kitchen in masonry with its well, a building serving as chapel for the nuns as well as for the hospital, a small building serving

⁵⁸ *Ibid.*, vol. XLII, fol. 118.

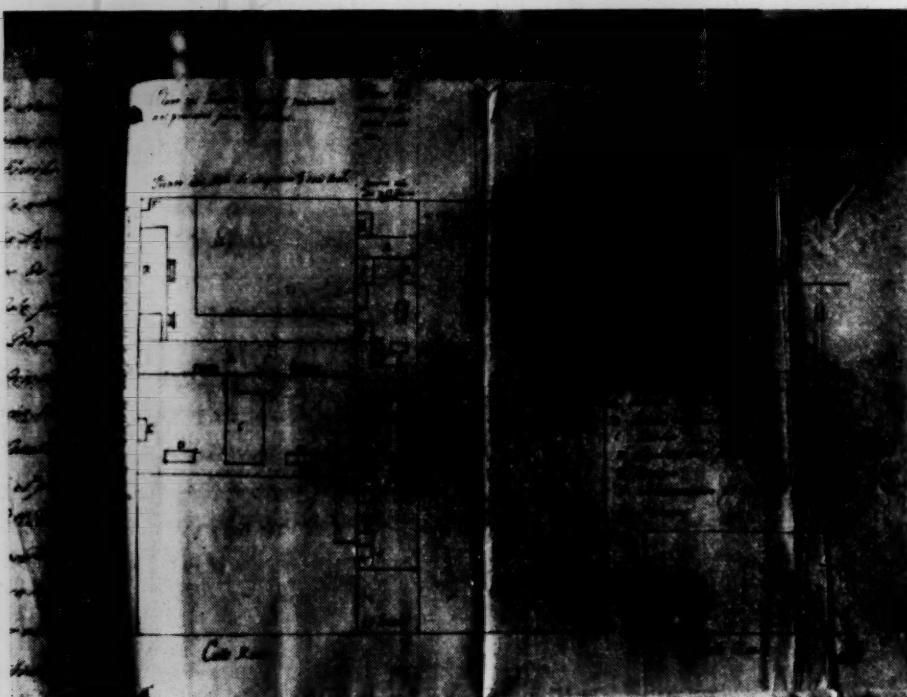
as a free school for the day pupils and a building with upper story in masonry but uninhabitable on account of old age, serving heretofore as a lodging and school for the boarders, another old building serving as a refectory for the boarders as well as for the orphans, another old building serving as a laundry, another serving as a bakery, latrines, a chicken house, two dovecotes, a few negro huts, a garden and the hut of the gardener inside.

The land of the hospital of the King adjoining that of the Nuns herebefore, containing 56 toises of front to the river by 112 of depth on which is the hall of the hospital in masonry with a wing in form of a pavilion adjoining it serving as a retreat for the Nuns of the hospital as well as the chaplain, a kitchen, a pharmacy, with its laboratory adjoining and its well in masonry, a wooden-frame building in the rear of the yard serving in the treatment of venereal diseases, another small building almost out of use on account of old age, of posts in the ground, serving as a hospital for the negroes of the King, latrines, a hut serving for the laying out of the dead, a few huts for the negroes serving at the said hospital, a chicken house in the chicken yard, the building of the Hotel de Mars, destined to serve as a hospital for the officers, a small building at its entrance made to serve as corps de garde; while a portion of the garrison has been lodged in the said Hotel de Mars for lack of barracks in masonry, the large building of the new hospital destined to serve as a hospital for the garrison of this city, the one of which is spoken hereabove falling in ruins, which said large hospital serves actually to barracks the troops—two kitchens with four fires, built of posts and stakes in the ground for the usage of the troops of the regiment of Angoumois, heretofore barracksed in the said large building, the foundation and sills of another large building also of masonry begun to serve for a kitchen and other dependencies as much for the abovesaid hospital as for the Hotel de Mars, which said building stopped incomplete since the transfer of the colony to Spain, a well of masonry for the usage of the said kitchens, and the cemetery of the troops.⁵⁹

The inventory of buildings, although giving a most detailed description of the old and new hospitals, does not mention the convent buildings, as they were regarded as being the private property of the Ursulines. The inventory also notes that the old hospital was constructed on land belonging to the Nuns, a fact which was to become a source of controversy between them and the American government after the colony was transferred to the United States in 1803.

⁵⁹ *Ibid.*, vol. XLVI, fol. 47.

PLATE 24



Location of the Old Ursuline Convent property.

VII. THE URSULINES UNDER THE SPANISH REGIME

Even after the transfer of the colony to Spain, negotiations between the French and Spanish authorities regarding the ownership of the convent buildings continued. It was thought that as there were no Spanish Ursulines, the nuns would desire to return to France, in which case the buildings would revert to the King. The memoire of Bobé, Controller of the Marine, Ordonnateur in 1770, makes this clear:

M. Bobé has asked M. O'Reilly for permission to have the estimate made of the buildings of the King which are on the land of the Religious. He has consented to it, but he has observed that these buildings proceeding from pious works and His Majesty having no need for them for his service, these buildings should remain to the Religious. The Sieur Bobé has suspended the estimate, but he thinks that the King alone having supported the expense of their construction, repair and upkeep, they should be sold to the

profit of the King. That moreover he doubts that the Religious will remain in the colony, there being no longer in Spain any convents of their order.⁶⁰

A later memoire of Bobé, of June 22, 1771, gives the result of the estimate: "132,894\$ 19s 10d for the buildings occupied by the Religious Ursulines belonging to the King of France, these Religious being utilized in the colony for the instruction of youth."⁶¹

As the nuns decided to remain in Louisiana and to carry on their work, they remained in possession of their convent and their right of ownership was recognized by the Spanish authorities. They were not, however, too well satisfied with the change in the regime and continued, like the other colonists, to retain their French character and language. As late as November 1, 1795, Bishop Penalvert reported in a dispatch:

Excellent results are obtained from the Convent of the Ursulines, in which a good many girls are educated; but their inclinations are so decidedly French that they have even refused to admit among them Spanish women who wish to become nuns, so long as these applicants should remain ignorant of the French idiom, and they have shed tears on account of their being obliged to read in Spanish books their spiritual exercises, and to comply with the other duties of their community in the manner prescribed to them.⁶²

In 1786 Don Andres Almonester y Roxas, the generous benefactor of New Orleans, offered to make much needed repairs to the convent buildings and to erect a chapel to be dedicated to "Our Lady of Consolation." This chapel, a sketch of which appears in *Norman's Guide Book of New Orleans*, 1845, was located at the south corner of the building along Ursuline Street, on the site now occupied in part by St. Mary's Italian School. Another sketch of this chapel appears among the marginal drawings of the I. Tanesse map of New Orleans, 1815. This sketch shows a curious connection between the chapel roof and the second floor of the convent, probably made during subsequent alterations. The location of the chapel is also indicated on an interesting map of the convent property, made by Don Gilberto Guillemard, Sergeant Major of New Orleans, in 1793, a copy of which is in the convent archives. This map also shows the convent

⁶⁰ *Ibid.*, vol. L, fol. 40.

⁶¹ *Ibid.*, fol. 70.

⁶² Charles Gayarré, *History of Louisiana* (New Orleans: F. F. Hansell & Bro., 1903), III, 378, quoting Bishop Penalvert, November 1, 1795.

entrance from Decatur Street. An order of the King dated August 14, 1794, at San Ildefonso, declared that "Don Almonester, having rebuilt the convent of the Ursulines, their church and their classes in brick for the students, the community gave him a seat in the sanctuary to the left of My Vice-Patron Royal."

A marble slab in the center of the pediment on the Ursuline Street facade recorded the date of the erection of the Chapel, 1787, during the reign of Charles III.

On March 21, 1788, a conflagration starting in the house of the Treasurer, Don Vincente José Nunez, destroyed 856 houses, the church and presbyter. The Ursulines fearing that their convent would also be consumed by the flames, moved their belongings ready to flee, but after fervent prayer, their house was spared. When in 1794 another conflagration devastated the city again, destroying the parish church, Father Walsh reported to Governor Carondelet that the church "has been transferred to the Ursulines—in which your chair has been established—where mass will be said as formerly—pending completion of a new church." Thus the Ursuline chapel served as the Parish Church during the construction of the St. Louis Cathedral by Don Almonester.

Some records in the "Archivo General de Indias, Papeles de Cuba," in Seville, mention the Ursulines. On April 18, 1799, the Superior asked Governor Gayoso for help and permission to enlarge the convent. The request was referred to the Bishop, who acknowledged its receipt in a letter to Gayoso, on April 19, 1799:

He agrees that present quarters are too small, refectory too small for number of children and dormitory for orphans crowded, likewise the classrooms, so I believe enlargement necessary. . . . The covering of the monastery calls for prompt remedy (cuerpo: body of the building) but the revenue not sufficient to its repair, but if the piety of the King would kindly help them in accord with their petition, and you would help along these lines, it appears to me it would be a pious work and a benefit to humanity.

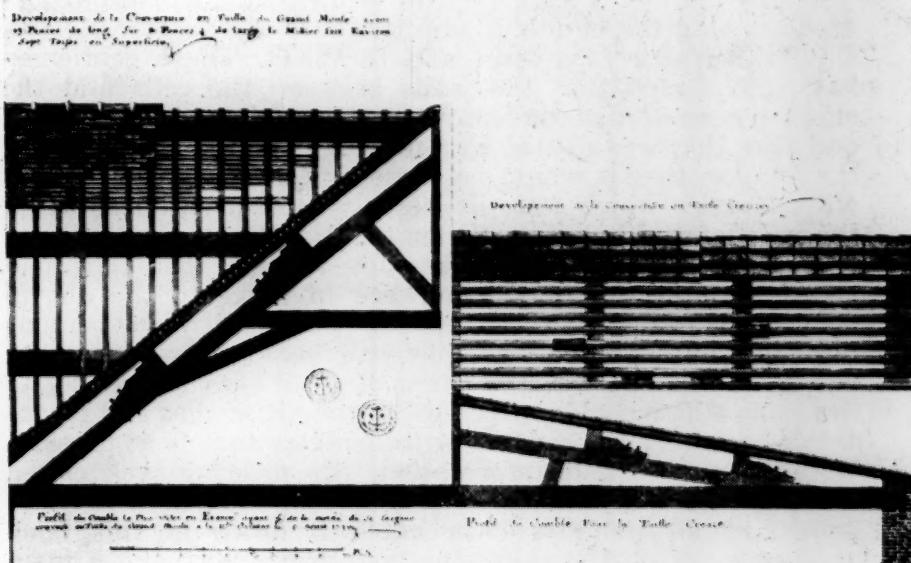
They are notable, those works of this religious body. To them we owe the education of youth and that in general this half is not as dissipated as the other half, for which it is desired to find a similar institution for the instruction

in religion and necessary morals to form Christians and worthy and useful servants of king and country.⁶³

Among the changes to the building itself effected during the Spanish period, the change in the roofing material from tile to shingles was perhaps the most important. When originally built the roof was covered with flat tiles of a type still to be seen on a few New Orleans buildings, notably the Girod house at Chartres and St. Louis streets, and the Delord-Sarpy house on Howard Avenue near Camp Street. While these houses were not erected until the early nineteenth century, this flat tile had been the characteristic covering for steep French roofs of this type since the beginning of the colony. Details of its application are shown on an unsigned drawing, dated New Orleans, 5 August 1730. These tiles are shown in French measure 13 inches long and 8½ inches wide, the thousand making about seven toises in surface, and described as the type of "roof most used in France . . . covered with tile of the large mould."

⁶³ Archivo General de Indias, Papeles de Cuba, Legajo 102 (1774-1805). Translated by the author from manuscript in Roger Baudier collection.

PLATE 25



Ministère des Colonies #88

Development of the roofing of tile of the large mould having 13 inches of length by 8½ inches of width the thousand make about seven toises in surface. Section of the roof most used in France having 5/6 of the half of its width roofed in tile of the large mould.

At New Orleans the 5 August, 1730.

Development of the tile roofing of large mould.

Section of the roof for the hollow tiles.

Roofs of this type are quite heavy, and apparently caused dangerous cracks in the building. Therefore in 1773, on the advice of experts, the tile was removed and a wood shingle roof substituted. A few of these old wood shingles were found in the attic when the building was measured for the Historic American Buildings Survey in 1934. They were of small size and some were cut with circular butts, indicating some sort of pattern work in the roof. In 1795 the Nuns held an inquiry into the reason for this change to a cheaper roof, the convent archives recording this meeting, as follows:

In the city of New Orleans on the 27th of October, 1795, Rev. Mother Therese of St. Xavier Farjon, Superiorress of the monastery of St. Ursula of said city called a meeting at which all the nuns of the community assisted (even the lay Sisters although the latter never attend these meetings) in order to learn from the oldest ones the reason why our predecessors had removed the roof of tile, which the convent had before, and made it of shingles. Rev. Mother Marguerite of St. Ignatius, zelatrix, said that it was because of the weight exerted on the building by the tile and that it was injurious to the building. Rev. Mother Francisca of St. Marie Olivier said that in the year 1773, the Rev. Mother Superior and treasurer who were then in office had, for the purpose of examining the building, admitted into the cloister Messrs. Olivier Duvaizin, Dufossat and la Violet. These gentlemen having observed that the walls between the cells and the other rooms of the convent were open from top to bottom and that this was caused by the weight of the tiles were of the opinion that it would be necessary to cover the convent with shingles which were of lesser weight in order to avoid the ruin of the building. Sister St. Martha of St. Anthony and Sr. Gertrude Mary of St. Joseph said that they had heard the Rev. Mothers who were in office in the above-mentioned year, say that having consulted with persons informed on such matters they had been advised that the weight of the tile was the cause of what was happening to the walls which could not resist the weight of tiles and it was decided to cover the convent with shingles as it is at present. With this news and information, the meeting was closed in the customary manner and in order that this may be known at all times, I have noted it down in this book of my charge on the said year, month and day above mentioned, signing with the Rev. Mother Superior who must sign it.

(Signed) Sr. Therese of St. Xavier Farjon, Superior.
Sr. Antonia of St. Monica Ramos, Secretary.

It was perhaps at this time that the Y-shaped anchors, now a characteristic feature of the cornice of the building, were added, in order to strengthen the failing walls.

During the Spanish regime the Ursulines gave up the care of the military hospital which adjoined their convent and which had been the primary purpose of their coming to Louisiana. However, the change in government resulted in cutting the supply of new nuns from France, and there were not enough in the small community to take care of all their duties. The rules of the cloister were besides much more rigidly regarded by the Spaniards, which may also have induced the nuns to abandon their work in the hospital. The convent archives merely record that "In January, 1770, the religious resigned the care of the hospital because of their small number and of the difficulty of procuring reinforcements from France."

Considerable work, however, must have been done on the hospital buildings by the Spaniards. At the time of the transfer to the United States, Joseph Vinache, Battalion Chief of Engineers for France, made an inventory of public buildings, dated January 10, 1804. In this inventory, the main hospital building which had been built by the French as a one-story brick building in 1733 has been enlarged by the addition of an upper story of columbage. There are also 10 pillars, 15 feet high, supporting the galleries of the hospital. The building must have thus appeared quite like many other New Orleans buildings of this period, with brick columns below and turned wood columns above.

In addition to this upper story and galleries, a hospital for criminals, one story high and 83 feet long, had also been built. Other hospital buildings may be recognized as the old structures left by the French:

A small house adjoining the hospital which serves as lodging to the health officers, having a chimney.

A hut for the washerwoman, with chimney.

Another hut in wood, mounted on pillars, having a chimney.

The building serving as pharmacy with gables and two chimneys.

The kitchen of the hospital of 40 feet of length by 15 of width.

A small house for the controller, with chimney.

All these edifices detailed above are all in the best state.

The framing of the said buildings is generally good, as well as the roofs which are all of shingles . . .⁶⁴

The new hospital begun by the French continued to be used by the Spanish as a barracks.

VIII. THE RETROCESSION AND TRANSFER OF LOUISIANA TO THE UNITED STATES

In 1803 Spain returned Louisiana to France, but this instead of being good news for the Ursulines, was a source of great anxiety. They feared to remain in a country under the rule of a revolutionary government which had heaped such persecution upon religion in France, destroying many of the convents of their own Order. When the transfer took place, sixteen of the nuns left and established themselves in Havana, in spite of the assurances of the French government that they might remain unmolested.

When, a few months later, the nuns who had remained to carry on the work of the convent heard of the transfer of Louisiana to the United States, they again feared for their property. In consequence, on April 23, 1804, a letter was addressed to President Jefferson, requesting that he have their property formally confirmed to them and their successors, not as a matter of personal gratification or private aggrandizement but in the public interest, that the means for carrying on their works of charity and education might be secure.⁶⁵ Jefferson promptly assured them, in his reply of May 15, that "the property vested in your institution by the former governments of Louisiana . . . will be preserved to you sacred and inviolate."⁶⁶

Many American travelers visiting New Orleans after the transfer, wrote of the convent of the Ursulines and its chapel, which were undoubtedly among the most impressive buildings of the city and among the most venerable in point of age. Christian Schultz, in a volume published in 1810, wrote:

The chapel of the convent of the Ursuline nuns is small, but very neat within, being chiefly calculated for the accommodation of the sisterhood. Public service is performed here

⁶⁴ N.A., C., Sér. C 13, vol. LIII, fol. 149.

⁶⁵ Clarence Edwin Carter, ed., *The Territorial Papers of the United States*, Vol. IX: *The Territory of Orleans, 1803-1812* (Washington, 1940), 231.

⁶⁶ Ursuline Convent archives.

regularly. The nuns are separated from the audience by a partition of lattice work, through which they may barely be distinguished.⁶⁷

Major Amos Stoddard, in his book published in 1812, describes the building as it then appeared:

The Convent of the Ursuline nuns is situated on the upper side of the Barracks, and beyond the Hospital, which stands nearer to the line of the street. This was likewise built by the French; it is of brick and spacious; covered with shingles, and two stories high. An extensive garden is attached to it, extremely productive of fruit and vegetables. It will accommodate about fifty nuns and from seventy to eighty young females, who resort to it for their education. Attached to the convent is a small house containing three rooms, divided longitudinally from each other by double gratings about six inches asunder, with apertures about two inches square, where strangers may see and converse with the nuns and boarders on particular business. Near to the main building and on the street stands an old schoolhouse where the female children of the citizens appear at certain fixed hours to be gratuitously instructed in writing, reading and arithmetic.⁶⁸

During the battles of New Orleans, 1814-15, the nuns prayed constantly for the victory of the Americans, before the statue of Our Lady of Prompt Succor which had been brought to the convent from France in 1810 by Mother St. Michel Gensoul. Their schoolrooms were turned into infirmaries for the sick and wounded of both British and American armies. After the victory, Jackson visited the convent and personally thanked the nuns for their prayers, and the Legislature passed a resolution of thanks to them because "They gave admittance within the walls of their monastery to as many of the sick, as could be conveniently lodged therein and afforded them every aid, conformably to the dictates of true charity."⁶⁹

In 1818 there arrived at the convent Mother Philippine Duchesne (recently beatified), on her way from France to establish a convent of the Sacred Heart Order in St. Louis. Here she was graciously received by the Ursulines and remained

⁶⁷ Christian Schultz, *Travels on an Inland Voyage through the States of New York, Pennsylvania, Virginia, Ohio, Kentucky and Tennessee, and through the Territories of Indiana, Louisiana, and New-Orleans; Performed in the Years 1807 and 1808; Including a Tour of Nearly Six Thousand Miles* (New York, 1810), 193.

⁶⁸ Amos Stoddard, *Sketches, Historical and Descriptive, of Louisiana* (Philadelphia: Matthew Carey, 1812), 154-155.

⁶⁹ *Acts of Louisiana, Second Legislature, First Session* (1814-15), 106.

several weeks while she completed preparations for the journey up the river. While in New Orleans, she wrote several letters to her Superior, Mother Barat, in France. In one, written in June, 1818, she said:

It seems that there is no suitable house in good condition (in St. Ferdinand near St. Louis). The inhabitants build quickly, but not solidly. There is no question of stone; brick or wood alone is employed there as here in New Orleans. In this convent for instance, the partitions between cells and rooms are wooden. So too are the ceilings which are finer than any I have ever seen. . . .⁷⁰

There is no trace of the fine wooden ceilings of which she speaks, in the present building. If they exist, they are covered over with plaster.

On June 22, 1818, she again wrote: "Everything in this convent is in the greatest simplicity. The chapel is a large room with walls bare, as are those of the choir; the parlor is furnished with wooden benches, and the pupils have many inconveniences. . . .⁷¹

In the early nineteenth century it was believed that yellow fever, which had always been the scourge of the city, was spread from the bodies of the victims either in the hospitals or after burial in the cemeteries. As the Ursuline Convent adjoined the military hospital and burial grounds, the physicians and surgeons of the city presented a petition to Congress requesting that the hospital be moved. A contemporary translation of this interesting document follows:

We, the subscribers, doctors of physic and surgeons, living and practicing in New Orleans, declare, with all the impartiality which characterizes honest men, that from the experience which we have acquired in the exercise of our profession, we have always remark'd, that nothing is more pernicious or more contrary to the salubrity of the air than the placing burial grounds in the interior of towns and cities, and whence exhale continually putrid and pestilential vapours—that the Convent of the Ursulines in this place is situated adjacent and to the leeward of the military hospital in the direction of South and S. West—thus in the sickly season the exhalations which proceed therefrom towards the aforesaid convent are not only of a disagreeable smell, but of a pestilential and epidemic nature.

⁷⁰ Marjory Erskine, *Mother Philippine Duchesne* (New York: Longmans, Green & Co., 1926), 138.

⁷¹ *Ibid.*, 144.

In short we have since a few years remarked that in consequence of the great number of sick contained in the hospital, intermitting and pernicious fevers have become more common and more pernicious, especially in the fall, in the Convent of the Ursulines.

As it is easier to prevent sickness, by proper precautions, than to cure, especially in establishments of this nature, and destined to receive a great number of persons, it is of the highest importance to obtain for the Convent of the Ursulines the greatest degree of salubrity, and this precious advantage cannot be attained until their residence shall no longer be exposed to the vapors which are spread in the vicinity of the military hospital, and the impressions which naturally produced by the cries of the dying and the sight of the dead—impressions which may be regarded as the cause of the numerous deaths, which have of late years afflicted this truly respectable asylum, equally useful for the education of young ladies, and poor orphans.

Wherefore, we are of the opinion that the present situation of the military hospital is contrary to the salubrity of the air and especially to the prosperity of the establishment of the Convent of the Ursulines.

New Orleans, 19 November 1811.

(Signed) Jh Montegut
 Fortier
 Grize
 Michel
 Dury pr
 Pr Marlin⁷²

As a result of this petition, an act was approved April 23, 1812, whereby the Secretary of War was authorized to exchange the lot occupied by the military hospital for other property owned by the nuns.⁷³ This was the beginning of a long series of disheartening and protracted negotiations and controversies over the ownership of the property of the Nuns.

Foucault's inventory of 1766, at the time of the transfer of the colony to Spain, had definitely stated that the land of the hospital actually belonged to the nuns. This statement was contained in a note following the inventory of the hospital buildings:

Note: There was appraised only the materials of the buildings . . . composing the old hospital, primarily on

⁷² Carter, *Territorial Papers of the United States*, IX, 955.

⁷³ *Annals of Congress*, 12 Cong., 1 Sess. (1811-12), 2272-2273 of Appendix, gives full text of this act.

account of their oldness and bad condition which is at such a considerable point that the expense necessary to recondition them would exceed the value of the material remaining. Secondly because these buildings are too small for the usage to which they had been heretofore intended, and in the third place because they are constructed on the land belonging to the Nuns.⁷⁴

Despite this definite statement of the Nuns' ownership, this was not admitted as no properly signed copy of Foucault's inventory could be found. The lands of the hospital were finally acquired by the Ursulines at a public sale under United States Patents dated August 17, 1821.

The title to other properties was also involved in this dispute, which caused the nuns to address a long appeal to the President in the form of a letter of February 17, 1821, to James Monroe, in which they set forth their claims based on Guilberto Guilemard's survey of 1793. The nuns pointed out to President Monroe that,

Having enjoyed unmolested our property from the year 1734 to the year 1793, the Baron de Carondelet, by a letter dated 23rd March 1793, addressed to the Lady Superior of the Convent, expressly recognizes that the ground back of the Public Barracks belonged to our establishment and proposed to the community an exchange of a part of the same, contiguous to the said Barracks for an equal proportion of the *King's property* and to which our order assented for the accommodation of His Catholic Majesty.⁷⁵

It was this land back of the Barracks which was the source of dispute, when by Presidential proclamation some of it was to be sold. This sale was suspended upon the protest of Bishop Dubourg, and the case was finally settled by the cession of six of the lots back of the barracks by the Ursulines to the United States in exchange for six lots of equal size of the remaining lots of the old military hospital, at the corner of Chartres and Hospital streets, which streets had just been extended through the property. This transfer was passed by an act before G. R. Stringer on February 17, 1824.

On October 20, 1821, the Nuns paid to Gurlie and Guillot, Architects and Contractors, the sum of \$300 for the demolition of the hospital. Part of the building must have been retained,

⁷⁴ N.A., C., Sér. C 13, vol. XLVI, fol. 131.

⁷⁵ Copy of letter in Convent Archives, New Orleans. An English translation of pertinent parts of this letter is printed in Appendix A, below.

however, for the same year the same contractors presented a bill for \$5,962.61 for improvements and repairs "to the building having served as military hospital." This itemized bill includes masonry, millwork, hardware, etc., and 206 feet of banquette (sidewalk) on Hospital Street and 620 feet on Condé Street. These were works no doubt necessitated by the cutting through of these streets.

The question of opening these streets, which had so long been obstructed by the convent property and the Government barracks, had come up at the City Council session as early as April 17, 1819. Here it was "resolved that the Mayor shall write to General Ripley to inform him that the City Council contemplates to extend the opening of Condé and Hospital Streets, which are now closed at one end; asking the general if he would consent that said streets be extended through the United States properties which are in line with said streets."⁷⁶

The question of the opening of these streets was before the Council for several years before final action was obtained. Every inducement and persuasion, except offering to buy the land, was offered the Nuns, and on May 29, 1819, the Council,

On Mr. Marigny's motion, Resolved that in order to induce the Ursulines to conform immediately with the original plan of New Orleans by extending Condé Street through their property, the Corporation of this City agrees to supply at its expense, the necessary planks and posts as well as the labor to build a fence, with one or more gates on the side of said street which, when extended, shall be on the line of that part of their property where the convent and its dependencies are situated.⁷⁷

At the session of May 22, 1819, a committee was appointed to confer on this matter with the Nuns and General Ripley, and "in order to induce the Ursulines to conform immediately with the original plan of New Orleans, by extending Condé Street through their property," the Corporation agreed at its session of May 29, 1819, "to supply at its expense, the necessary planks and posts as well as the labor to build a fence, with one or more gates on the side of said street."⁷⁸

⁷⁶ New Orleans Archives, City Hall.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

This inducement was not sufficient to persuade the Ursulines to abandon the privacy which they had enjoyed for so many years, and to permit their cloistered lands to be cut up by city streets.

The Council, however, obtained from the French Archives copies of two original plans of New Orleans purporting to prove that it was the intention from the beginning to extend these streets. With this evidence, should the Ursulines still refuse, according to the minutes of the Council session of March 20, 1820, "the City Attorney would give his opinion on the question of knowing whether according to the aforesaid plans, the Sisters are not obliged to open gratuitously the said portions of the streets closed by their property."⁷⁹

At the same time negotiations were conducted with federal authorities for the opening of Hospital Street across the barracks property, and at the Council session of March 4, 1820, it is recorded that

A letter has been read from General Andrew Jackson, addressed to the Mayor of New Orleans, relative to the steps he has taken with the General Government, to support the memorial of the Corporation, having for object to ask the President of the United States to order the opening of Hospital Street across the United States property and also the demolition of Fort St. Charles. On motion, Resolved that the Mayor is requested to write General Jackson to thank him for the steps he has taken in favor of the Corporation with the General Government.⁸⁰

The Ursulines, however, were not yet willing to agree to the proposition. The Council session of April 22, 1820, therefore,

Resolved that the City Attorney is authorized to write the Ursuline Sisters of this city to request them on behalf and on the part of the Corporation to leave free and for public use, the space of ground necessary to extend across their property, Condé and Hospital Streets, considering that the original plan of New Orleans shows these two streets opened in all their length, that in case the Sisters acceded to that proposition, six months term would be granted them to effect the work mentioned above, and then the City Council would pay for a stake or board fence on each side of the extension of the said streets, as well as for the sidewalk at said place. Resolved that the City Attorney is likewise

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

authorized to ask from the Sisters a written answer on that matter between now and May the first, next, and in case these Sisters did not answer, or answer in the negative, the City Attorney is requested to bring an action against them in order to force them to open said portions of streets through their property.⁸¹

As the early plans of New Orleans show, these two streets extended through the squares in question during the years the first convent was under construction. Nothing has been found to indicate when they were closed, but it was probably done at the time the Nuns occupied the site in 1734; and a plan drawn in 1760 shows these four squares as occupied by the "hospital of the troops and Religious." The streets were of course closed throughout the Spanish period.

To reach a decision, as demanded by the Council, must have caused the nuns considerable anxiety. At last, however, they agreed, and at the Council session of June 28, 1820,

Two letters were read, one from the Sisters, the other from Mr. Duncan, their Attorney, which are relative to the extension of Condé Street through the said Sisters property. The Council having deliberated on the content of said letters; on motion of Mr. Préval, Resolved that a committee will be appointed to confer with the Sisters regarding the clauses and conditions mentioned in their letter and according to which they consent to open said street through their property; Resolved also that the Committee will find out the price it would cost the Corporation to construct a wall, a board fence, gates and sidewalks claimed by said Sisters, as being the condition under which they would consent to open said street. The Recorder has named Messrs. Préval, Carraby and Hiligsberg to form the said Committee, and make a report on that matter. On motion of Mr. Davizac, Resolved that the said committee will notify the Sisters that under any circumstances the City Council will give its consent to the removal of their slave cabins to that part of the property that would be separated from the main building by Condé Street when said street would be extended across their property, considering that according to the terms of the Corporation ordinances there must be only brick buildings.⁸²

By a letter read in the Council on July 12, 1820, the extension of Condé Street through the United States property was agreed to and the committee was instructed to "notify the Sisters that the extension of this street is to begin immediately."

⁸¹ *Ibid.*

⁸² *Ibid.*

Work apparently did not begin immediately, for at the session of October 14, 1820, three months later,

A petition has been read, signed by a great number of citizens urging the City Council to take immediately measures that the extension of Condé and Hospital streets through the property of the Ursuline Sisters be opened. On motion of Mr. Préval, Resolved that a committee will be appointed to confer with the Sisters in order to know when they expect to abandon the site they occupy, and to propose to them to sign the contract with the corporation by which they oblige themselves to place the Corporation in possession of the lot of ground necessary to extend the said streets through their property; and this as soon as they have transferred their residence elsewhere than in the convent they occupy at present.⁸³

Some members of the Council favored taking more decisive steps to end the question, and at the session of October 28, 1820,

Mr. Hiligsberg made a motion having for object to request the City Council to decide immediately on the measures to compel the Ursuline Sisters to leave free and for the use of the public the portion of ground necessary to extend through their property Condé and Hospital Streets, which the original plan of New Orleans shows as being open in their whole extent. After some discussion the object of the motion was deferred to the next session.⁸⁴

And no further mention of the matter is found in the Council records. The actual date of the opening of the streets is uncertain. The cutting through of these streets, however, with a consequent loss of privacy to the convent, caused the Nuns to decide to move from the site which they had occupied since 1734.

To defray the cost of a new convent, much of the land of the old convent was sold, three lots being bought by Nicholas Gurlie. The act of sale, No. 404, of May 14, 1836, before Theodore Seghers, Notary, describes

the said three lands measure each in American feet, 24 feet fronting on Hospital Street by 95 feet 8" of depth, together with the buildings and dependencies of any nature which exist on these three lands without reserve—

Which lands belonged to the said community of the Ursuline Nuns as forming a part of the enclosure of their old convent in this city, which has been conceded to them

⁸³ *Ibid.*

⁸⁴ *Ibid.*

from the origin of the colony and to which the title has been recognized and confirmed by the Government of the United States of America, following the act of transaction, dated February 17, 1824, reported by G. R. Stringer, then Notary in this city.

The price was \$13,000. Other parts of this property were sold the same day.

It is possible that the buildings alluded to were part of the old hospital, although most of it had been previously demolished, Gurlie and Guillot being paid \$300 for this work on October 20, 1821. There is today, however, near this location a part of an old building on which is to be seen a bit of stucco cornice quite like that of the convent building. It would be interesting to discover that this old wall is in fact a part of the old hospital laboratory designed by Broutin in 1737.

In 1830-31 the Ursulines contracted with Gurlie and Guillot for the erection of the row of buildings which still stand on Decatur Street, occupying the entire block between Ursuline and Governor Nicholls streets. These buildings were gradually sold by the Nuns between 1914 and 1923.

IX. THE NEW CONVENT, 1824-1912

Having agreed to the cutting through their property of Chartres and Hospital streets, the Nuns, on New Years Day, 1821, with the approval of Bishop Dubourg, decided to erect a new convent on a site several miles farther down the river, a plantation which they had purchased on November 26, 1818, from Francis Duplessis.

On March 25, 1823, they entered into a contract for \$54,200 by which the Sieurs

Gurlie and Guillot promise and obligate themselves to construct and erect on the plantation of the community of the Ursuline Ladies, situated in this parish, two miles distant from this city and on the same side and at the spot which will be indicated to them a building of brick and of two stories . . . which building the said Sieurs Gurlie and Guillot obligate themselves to construct, finish, complete and perfect totally in all the rules of art, without any interruption . . . and to have it remitted to the said community, key in hand, in eighteen months counting from the date of the present act, and even sooner if it is possible.⁸⁵

⁸⁵ Full text of this contract for the construction of the new Convent is printed in Appendix B, below.

The foundations were made in the most solid manner and the roof was guaranteed for two years. The Nuns received the right to furnish any of the materials at a deduction in the cost equal to current market prices. In this way they furnished the bricks which were made on the site, and also rented two of their slaves, Charles and Honore, as workmen for the contractors. All the old buildings on the plantation were placed at the disposal of the contractors, except one suitable apartment which was reserved for the Nuns' representative. Work was to begin May 1, 1823.

Before the contract was completed it had increased in value to \$83,172 by the addition of other buildings, including a left wing for \$17,972 added September 12, 1823. The contracts and specifications for these buildings are interesting documents giving considerable detail of the construction practice of the day. Gurlie and Guillot were undoubtedly the architects as well as the contractors for these buildings, and they did much of the best work in New Orleans. An undated and unsigned plan preserved in the Convent Archives is undoubtedly the plan of this structure.

The main building was completed in 1824, and without ceremony the Nuns moved to their new home in the summer of that year. This main building was of two stories surrounded by a two-story gallery with square cemented brick columns on the first floor and rather heavy turned wood columns on the second, with jalousies between the columns of the second-floor gallery facing the river. All known drawings or photographs of this building show a curious third or attic story ornamented with a lyre design in stucco, with a scalloped sort of stucco cornice and a central pediment with a plaster sunburst. The rather low-pitched hipped slate roof (originally of shingles) was surmounted by an odd Baroque clock tower.

This clock tower and the attic story which was built out over the gallery over the line of the columns, are of such vastly different character than anything else in New Orleans of that period that it must be assumed that they are later additions. No mention of them is found in the specifications which are otherwise quite complete and detailed, even directing the contractor to "Paint with two coats, in grey and in green in the necessary places, all the doors and windows of the said building, all the floors of the

PLATE 26



Bird's-eye View of the Old Ursuline Convent.

house and gallery, the columns, the railings, the bannisters, the jalousies, and the two stairways."

Behind the main building and extending away from the river, were added two two-story wings, also with two-story galleries, and quite similar to the original building as it must have been before the addition of its attic story. The roof was steeply pitched with many dormers. The court was closed on the fourth side by a wooden picket fence with fine wooden gates, and the whole must have formed a most interesting group of buildings. Fortunately, quite a few photographs and sketches of them exist which give a good idea of their appearance.

The chapel, erected by Gurlie and Guillot for \$23,635 at the lower end of the main building, was begun on April 11, 1829, when the cornerstone was laid by Bishop Rosati, who consecrated the completed building on May 17, 1830. This chapel had an open arcade on the convent side and a curious Baroque pedimented end facing the river.

PLATE 27

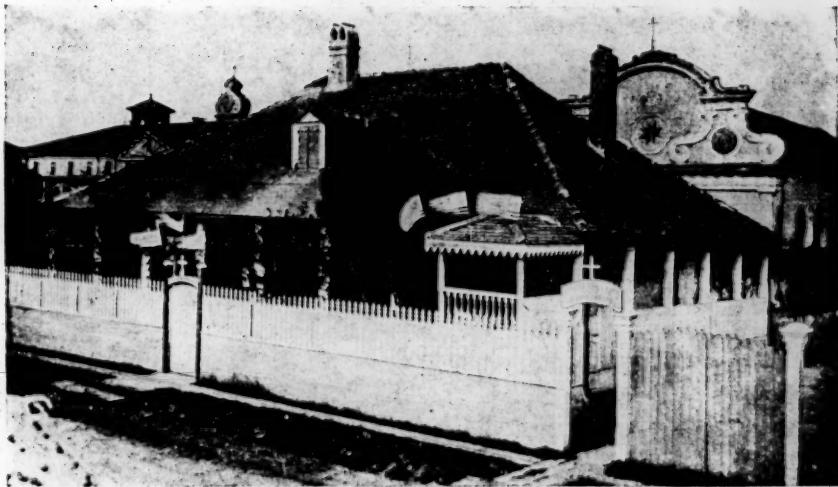


Main Building of Old Ursuline Convent.

There is a similarity in feeling in the pediment and the attic story of the main building, indicating that both additions were probably made at the same time. The only other bit of similar Baroque detail in New Orleans is the rear of the St. Louis Cathedral, which was remodeled by de Pouilly in 1850. Perhaps he might also have remodeled the Ursuline Convent at about the same time.

In front of the chapel and close to the levee was an old colonnaded house with a hipped roof, perhaps left from the Duplessis plantation and used as a residence for the chaplain. This one-story house had cemented brick columns on three sides, with a loggia of four large arches at the rear, quite typical of the plantation garconnieres of the early nineteenth century, particularly recalling the garconniere near St. Rose, Louisiana, known as the Barbara House. At the opposite end of the main building from the chapel was another building similar in design to the main structure but smaller, which was used as an orphanage.

PLATE 28



Chaplain's Residence. Old Convent.

PLATE 29



Gallery of Chaplain's Residence. Old Convent.

PLATE 30



Academy Courtyard. Old Convent.

PLATE 31



Garden Alley. Old Convent.

The Ursulines continued to conduct their school and to occupy this convent until 1912, when it too had to be abandoned due to the moving back of the levee which for several years had been caving dangerously in front of the property. A new property on State Street had been purchased in 1908, and to their present convent on this site the Ursulines moved on September 7, 1912. The Industrial Canal now flows through the site of the old convent of which no trace remains.

X. THE ARCHBISHOPRIC

After the removal of the Ursulines from the convent on Chartres Street, the old building did not cease to serve a good and useful purpose. The convent with the land immediately surrounding it was presented by the Nuns to the Bishop of New Orleans. The value of this gift is well expressed in the following letter of Monseigneur Rosati:

New Orleans, Louisiana, June 7, 1827.

The bishopric of New Orleans, although erected under the Spanish Government, had never been endowed. When Louisiana was ceded to the Americans, the Bishop retired to the countries belonging to the King of Spain, where he was transferred to another section. The apostolic administrator received no salary; he was allowed the use of a home where he lodged. Mgr. DuBourg found himself in this state during the time which he was administrator, and during several years after his nomination to the Bishopric of New Orleans, receiving a part of what was necessary for his maintenance from the Ursuline Nuns of New Orleans. These same Nuns, in order to assure to the Bishop of New Orleans, some revenue, have ceded to Mgr. DuBourg and to his successors, in perpetuity, in the Bishopric of this city, their church with their former convent, since they have moved to the new one, built in a more spacious and more suitable place. A part of this former convent has been repaired by Mgr. DuBourg, and serves as lodging to the Bishop, to his Grand Vicar, and to the priests who live with him, the other part of the convent had been converted into a college, and assured by the rent a revenue of about six thousand francs. The college was held by some ecclesiastics, at the head of whom was Mgr. Portier, before his nomination to the vicariate apostolic of the Floridas and Alabama. In order to make some necessary repairs, which have been considerable, Mgr. DuBourg had been obliged to make large expenditures, and to contract debts which weigh at present on the bishopric, and for the total extinction of which nearly

fifteen thousand francs is still necessary. From that, the Bishop of New Orleans, after some years, should have a revenue sufficient for his maintenance; I say after some years because, besides the debts made to render the house, and the college lodgeable, the necessity was found to make an expenditure of fifteen thousand francs more, to buy all the furniture of the college, which belonged to Mgr. Portier, to whom he has failed to pay this sum since he has been named bishop, so the sum of the debts amounts to thirty thousand francs. It will soon be necessary to make considerable expenditures to cover the house anew, the roof being very old and not sheltering the house from the rains. For an increase of misfortune, after the departure of Mgr. Portier and of some other ecclesiastics attached to the college, it has been obligated to close, for lack of professors, it not being suitable to employ seculars, first because one cannot count enough on them, and further because the extravagant salaries which are given in this city and which they demand of the college, absorbed all the revenues, and have raised the expenses well above the receipts during the last month; thus the house has remained useless during several months, and the expenes made for the furniture are lost. Lately, I have found to rent the college to the public schools. The rent of six thousand francs a year is the only resource of the bishopric at this moment. The truth, there is also a small revenue coming from the benches of the church, but it does not suffice for the salary and the maintenance of the priest and of the sacristan who serve it, and for the other expenses of worship. There, Monsieur, is the actual situation of the bishop of New Orleans. . . .⁸⁶

At this time a violent quarrel between the Bishop and the Wardens and pastor of the cathedral had placed the Bishop in such a position that his only source of revenue was that provided by the Ursulines. Bishop Dubourg wrote of some of the repairs and changes he had made, in the following letter to the Abbé Lespinasse:

The Ursuline ladies who henceforth found themselves as imprisoned by the streets with which their land had been cut in every sense, prayed to leave it to build themselves a house at two miles below the city, in a superb location, and gave to the Bishop their old convent church, a fine land in front and behind. These edifices, in truth perhaps habitable, had need of great repairs. This sum for me was a new embarrassment, but it would result in too great advantages to hesitate to charge myself with it. I am making them an

⁸⁶ *Annales de l'association de la propagation de la foi* (Lyons, 1823—), II, 410-412 (No. XI, August 1827). Translated from the French by the author.

entrance, kitchen, private stairway and a decent apartment for the Bishop, the Grand Vicar, and two priests. The rest gives me a rent for the holding of a college presided by Mgr. Portier, priest, who is assisted by three other ecclesiastics. The college flourishes on the part of the externs who are very numerous there, but the locality is worth nothing for boarders. It counts however about thirty-six of them; the externs are to the number of a hundred thirty or a hundred forty. It is a great good for this city to early accustom the men to see from near, the good ecclesiastics, from esteem for the ministers one passes easily to that for religion. There was no other bargain to follow in order to establish it there. But, I repeat, the boarding school must be transferred to the country. . . .

L. Guill. Bishop of N. O.⁸⁷

Funds for the repairs to the old buildings were secured from the Society for the Propagation of the Faith, as acknowledged in the following letter of Monseigneur Rosati, written from St. Louis in 1828:

Monseigneur:

The Society of the Propagation of the Faith, which under your protection, has made in France progress so rapid and so advantageous to the foreign missions, has been until the present the principal support of that of Louisiana and of Missouri. After the departure of my very worthy predecessor, Mgr. Dubourg, the bishopric of New Orleans found itself charged with considerable debts, contracted for the repairs made to the former convent of the Ursulines. By means of these repairs, one part of this convent can now serve as the episcopal house and the other as a college. To the pleas of Mgr. Dubourg, the Society of the Propagation of the Faith graciously promised to have sent some funds to extinguish this debt, and by that it assured the bishopric of New Orleans the peaceable possession, 1st of this large place which contains a house sufficient for the Bishop and several priests; 2nd of the building which could produce an assured revenue for the episcopal manse, and 3rd of a church in which the first pastor of the diocese has not the shocking humiliation of depending on church wardens who regard themselves as absolute masters and quite independent of the Bishop. The Society has thus rendered a great service to religion, in cooperating in this good work, worthy of the zeal which animates it for the establishment of the faith in distant countries. The first year after the departure of Mgr. Dubourg, I received the sum of 10,000 francs which has been entirely consecrated to extinguish a part of the debt of the bishopric;

⁸⁷ *Ibid.*, II, 407.

the following year, another sum was allowed for the same object; but I have had to use a part to satisfy some other needs, and I have been obliged to borrow a considerable sum, at a very heavy interest, in order to pay two notes subscribed by Mgr. Dubourg, and of which the term had expired. I am thus now charged with three thousand piasters more of debts, made for the college, which we have been obliged to suppress for lack of professors, after the nomination of Mgr. Portier to the Vicariate Apostolic of Alabama and of the Floridas. . . .⁸⁸

During this period the old chapel on Ursuline Street was the only parochial church in the city, the Bishop having ordered the cathedral interdicted because of the opposition of its pastor and the church wardens to his authority. Here the Bishop frequently officiated, and on August 3, 1828, Bishop Rosati wrote: "At New Orleans, at the church of the Bishopric, we preach now in the morning in English and at night in French. The English sermons are well attended. We are obliged to enlarge the church which is now 114 feet long and 85 feet wide."⁸⁹

These first years of the occupancy of the Bishop brought many of the changes which gave to the old building its present appearance. Undoubtedly the little gate lodge on Chartres Street was erected about this time and the entrance porch was probably built. When first built, this entrance porch had small wood columns and railing as it appears in old photographs of the building. The present porch probably dates from later alterations in the 1890's. The entrance door at the Ursuline Street end of the building and the very nice stairway inside must also have been built by the Bishop.

Considerable remodeling of the interior is also evident in this end of the structure, particularly in the detail of the doors with their large thin panels and narrow rails and stiles and in the casement windows with narrow muntins and louvered blinds. All the mouldings in this part of the building are typical of other work done in New Orleans in the 1820's and 1830's, a blend of French and Spanish detail with American Colonial. This is in strong contrast to the vigorous detail evident in the central parts of the building, which is more typical of French Provincial work of the mid-eighteenth century. In *The Smaller Houses and Gardens of Versailles*, a window from the Hotel de la Chancellaire

⁸⁸ *Ibid.*, III, 542-543 (No. XVIII, September 1829).

⁸⁹ *Ibid.*, III, 549.

strikingly similar to these older casements, and with wide moulded muntins, identical except for a small block at the intersections, is shown on Plate 154.⁹⁰ A precedent for the queerly cut mouldings of the face string of the later stair is found in Spanish furniture, something of the sort being shown in the book, *Spanish Interiors and Furniture*.⁹¹

In 1848 the present St. Mary's Italian Church was erected at the northeast end of the building, part of the old structure being demolished to make the connection.

The description of the old Ursuline Convent, appearing in a New Orleans newspaper in 1866, is not without interest:

THE OLD URSULINE CONVENT

The above building, now used as the archiepiscopal residence, on Charters and Ursuline Streets is one of the antiquities of the city. The chapel attached to it was the first religious edifice that was built in this city or State.

The convent has something to boast of besides its educational and religious associations and it was here that for a number of years, and until 1834, the legislature of the State held its sittings. When it was built by the French government, in 1733, it stood in the central part of the rising metropolis. But business has fled its immediate quarter, and the cathedral and Jesuit's Church now draw together the larger throng of the pious.

Attracted recently, during a stroll through that portion of the city by the sight of its slate colored roof, its time stained walls, and the general air of antiquity that pervades this range of buildings, we ventured to penetrate within the high enclosure that zealously shuts the grounds from the vulgar gaze. We were politely welcomed by the concierge who occupied two rooms at the entrance, the existence of which latter we had not suspected. We found ourselves in a garden, and passing through the main building, beheld another of still larger extent, in which doubtless the grandmothers of many of our readers played as children. In the rank growth of the artificial trees and plants, some of which, it is not too much to suppose, have been here for nearly a hundred and fifty years, and with the branches of the willow, althea, fig tree, and the leaves of the banana, which have grown in wild luxuriance, the walks have become almost

⁹⁰ Leigh Hill French and Harold Donaldson Eberlein, *The Smaller Houses and Gardens of Versailles from 1680 to 1815* (New York: Pencil Points Press, 1926).

⁹¹ Arthur Byne and Mildred Stapley, *Spanish Interiors and Furniture; Photographs and Drawings by Arthur Byne* (2 vols., New York: William Helburn, 1921-22), I, 36.

impassable. A row of mulberry trees near the outer wall, screen the inmates from the view of the neighboring houses, and rendered the place as isolated and retired for the nuns and their pupils as the building the latter at present occupy. Still, we presume that it was with a view to escape from worldly influence that induced them to dispose of the building and grounds, in 1829, and move to the neighborhood of the barracks. But the principal object of interest about the grounds is the old chapel, undoubtedly the oldest building there is in the State. Religious service is now performed in a church of more modern origin, and indeed, all of the wood work of the chapel's interior is in a state of ruin. The flooring has almost entirely rotted away; one or two pews hint at its former use, and the general aspect of the interior reminds the observer of Hood's "Haunted House." Some portion of the altar is still remaining, and singularly enough, a fine painting of the Virgin, just above, is but little injured by time. Otherwise the walls of the building are in good preservation, and we were pleased to learn that a plan is thought and talked of—as the present church is insufficient at times for all its worshipers—to restore the chapel to the uses of religion. Reentering the main building you mount to the second story (au premiere) by a staircase bordered with old fashioned iron railing, and on either side are to be seen the dormitories formerly occupied by the nuns. But there are no objects at present in the building which recall the presence of women, and the furniture is generally remarkable for its simplicity. In this connection it may not, perhaps, be inappropriate to remark that the buildings are now under the charge of the vicar general, Rev. Father Gilbert Raymond who represents the archbishop during his temporary absence. A valuable theological library, with the works of the Fathers, Meditations, Problems, Demonstrations Evangalique [sic], Vie de Saints, Lettres Edifiantes—we glanced at before leaving and were also permitted to see the last report of the vicar general. From it we learned that there are now 132 of the resident Catholic clergy in this city, 14 asylums and hospitals, 14 convents, 30 academies and schools, and about seven or eight thousand pupils of both sexes; and in the whole State 86 churches.

Taken as a whole, the old convent is in good repair; the walls are still of great strength, and the building is likely to remain for many years to come a solid monument of the olden times.⁹²

In 1870 a seminary was erected at the upper end of the building on the site of the old chapel which had by this time

⁹² New Orleans *Daily Crescent*, October 2, 1866.

been demolished. This is the building now occupied by St. Mary's School served by the missionary Sisters of the Sacred Heart whose foundress, Blessed Francis Xavier Cabrini, had often in earlier years called on the Bishop at the old convent.

In 1889 and 1890 another restoration of the building was made, as is recorded in the stained glass lunette over the large central doorway of the second floor. The Archbishop continued to occupy the place as his residence until 1899, when he moved to another house on Esplanade Avenue. After his removal, however, the building continued to be used as offices for the Archdiocese and as a seminary for priests.

In 1919 the Church of St. Mary was given in charge of the Reverend Oblate Fathers and made an Italian national church. In 1924 these priests did extensive remodeling, principally on the ground floor. Several partitions were removed to form the present large assembly room, and the old wood floors were replaced with cement. Most of the windows were changed to incongruous large-paned double-hung ones, and all the old panelled shutters were removed. The present bathrooms of the second floor were also installed at the time, J. A. Petty being the contractor for the alterations. St. Mary's Church was also remodeled at the same time, the sanctuary being enlarged at the cost of the loss of another part of the ancient convent. Weil and Bendersagle were the architects.

In 1941 a garden was laid out in front of the building by Edward Woolbright, landscape architect, based on an old plan of the city botanical garden which was once located across Ursuline Street at the corner of Chartres, the work being done by the city.

It is a pity that this fine old building, undoubtedly one of the most important historical and religious monuments in the United States, should be allowed to fall into such a sad state of neglect. No real attempt has ever been made to restore the building as it should be done. The priests who now occupy it are without any revenues with which to undertake any such task. However, it would be a fine thing both for the city and the church if this historic shrine could be restored in the manner of Williamsburg and its preservation to posterity assured.

APPENDIX A

New Orleans, February 17th, 1821.

To James Monroe, Esq.,
President of the U. S.

Sir:

For and on behalf of the Order of the Ursuline Nuns, I now take the liberty to address you. This is to me a task of no little embarrassment and were we not aided by friends who give countenance and protection to our Order and who encourage us to make this appeal to you Sir, it is a task which we feel unequal to perform.

We are well aware that it is not consistent with the character of our Government to foster or give any peculiar protection to particular religious orders or institutions, but, we are equally well aware that the Government over which you preside is marked by its magnanimity as well as its justice and that private rights will ever be held sacred whatever be the condition or religious persuasion of those to whom rights appertain.

We will not fatigue you Sir by protracting the prelude to the object of this address. If our appeal be founded on justice, it needs no decoration of language to enforce it, nor would it become us to endeavor to enlist your sympathies with ill founded claims.

Eighty-six years ago, Sir, our humble order was vested with and placed in possession of certain property situated in the city of New Orleans. Their Convent was erected and certain lots of ground the same as now claimed by them were enclosed and from the year 1734 down to the present day they have remained in the undisturbed and quiet possession thereof.

Feeling our happiness and in fact our religion enjoining seculsion from the world, we will not undertake here to display that which perhaps we could not ourselves comprehend, an exhibition of what might be deemed the *legal forms and process* by which our right to this property has been as we have ever believed sanctioned and confirmed. Living as we did, under the immediate protection of the local governments of France and Spain and our rights having been recognized by both in their order having not only been protected by these Governments in the claim we now urge but having it expressly and as we were advised *legally*

recognized. We have been at a loss to conceive how our rights were at all weakened by the cession of Louisiana to the Government of the United States.

We beg leave here, Sir, to state to you some facts in support of our pretensions.

Having enjoyed unmolested our property from the year 1734 to the year 1793, the Baron de Carondelet, by a letter dated the 23rd March, 1793, addressed to the Lady Superior of the Convent, expressly recognizes that the ground back of the Public Barracks belonged to our establishment and proposed to the community an exchange of a part of the same, contiguous to the said Barracks for an equal proportion of the *King's property* and to which proposal our order assented for the accommodation of his Catholic Majesty.

Would not this fact of the Governor of Louisiana (charged with the preservation of the rights and property of the King as well as with the power to grant lands or remove intruders from what was public property) having thus solemnly recognized our claim so far as to negotiate an exchange of property with us alone be sufficient to inspire confidence in the validity and justice of our claim. But again—

Don Ml Gayosa de Lamos [sic] was appointed Governor of Louisiana as the successor of Carondelet. Some of the officers under this Governor attempted but without success to wrest this property from the Nuns and with this view caused the plans or platt to be drawn by Peret and which is the very same plan on which the Surveyor General of the United States founds the claim of the American Government.

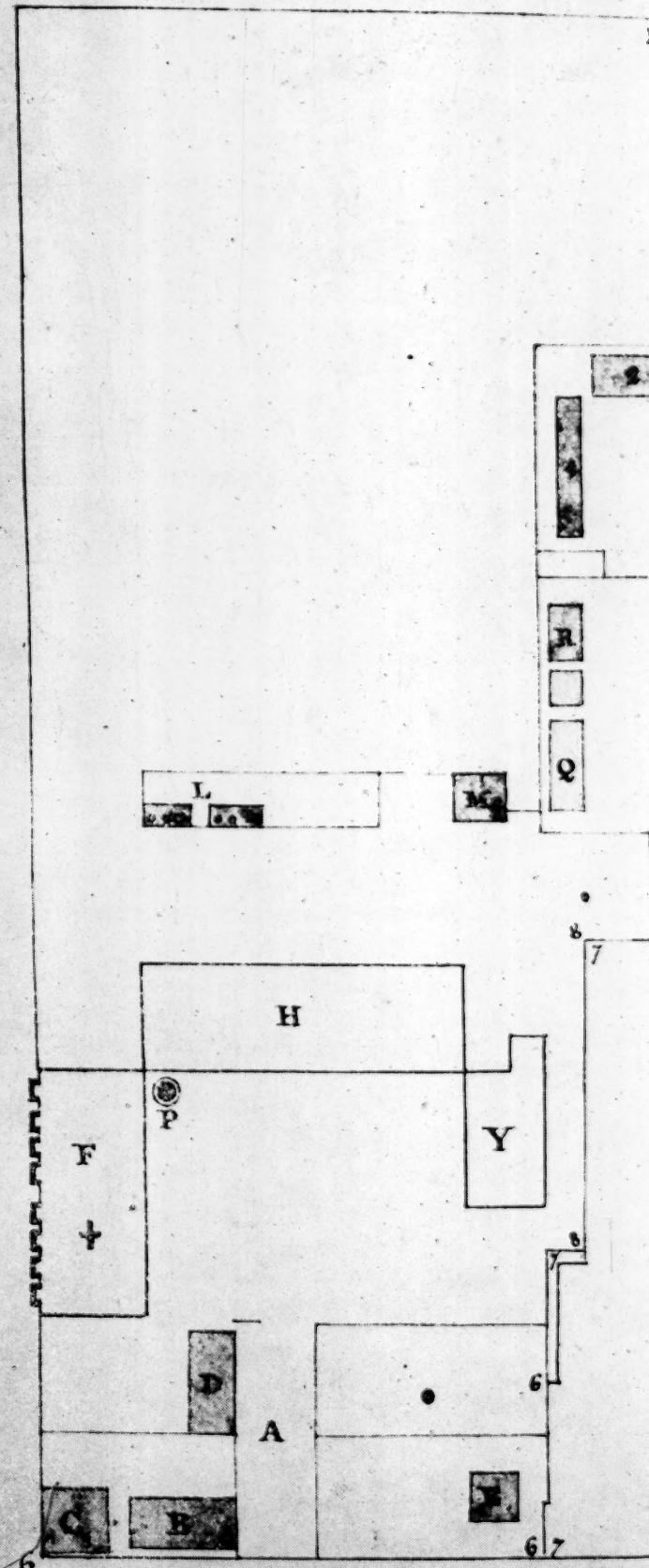
Our order then successfully resisted the attempt of the officers under Gayosa to disturb our property or its possession. We obtained permission from the Governor to institute process in vindication of our rights.

Under this process some of the most ancient and respectable persons in New Orleans deposed that for upwards of fifty years, and under both French and Spanish Governments the Ursuline Nuns had remained in the undisputed possession of all the Ground then in that enclosure and which is precisely the same as claimed and enclosed to the present time.

CONVENT OF THE R. MOTHERS

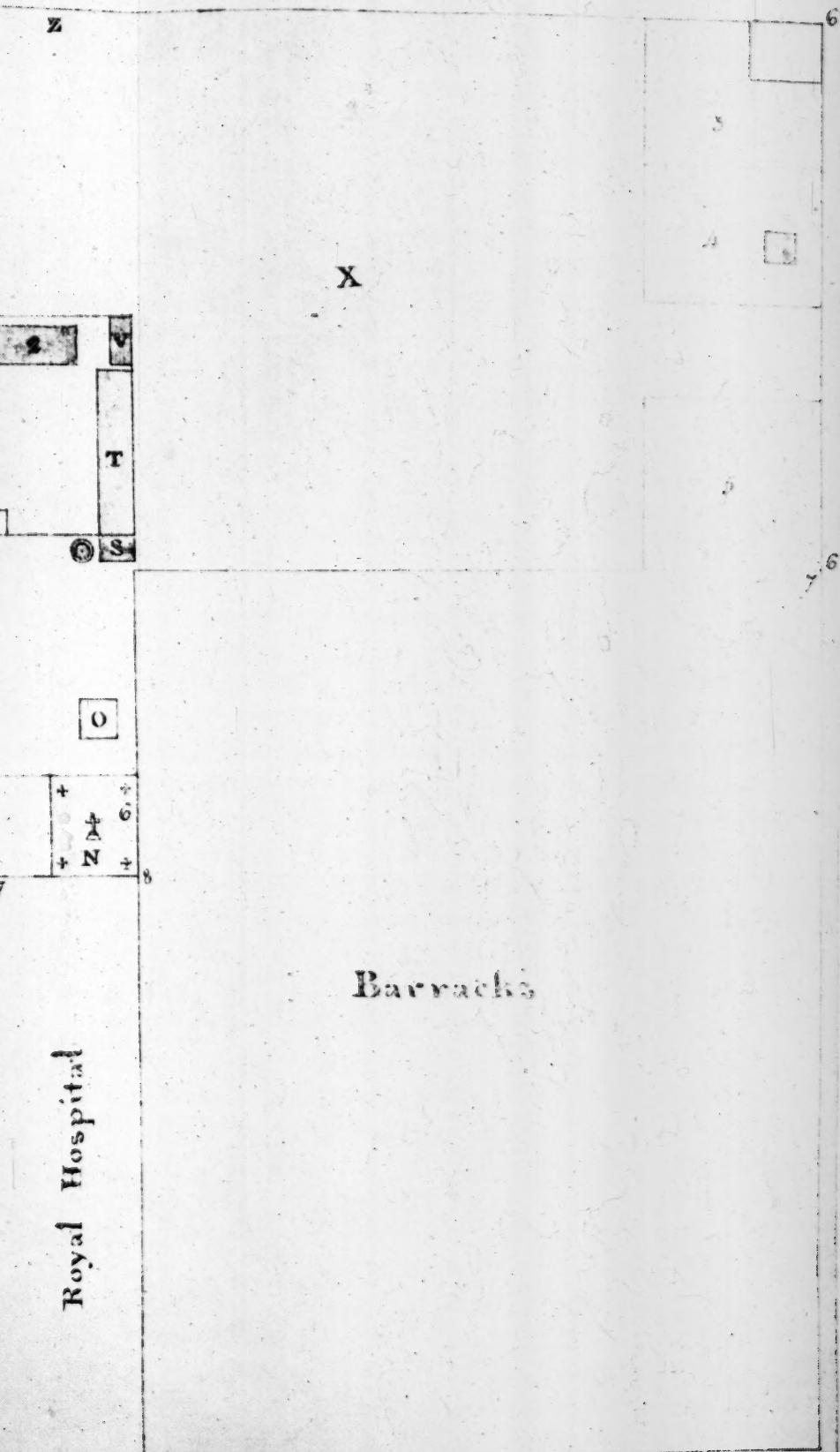
Ursulines

246



Front to the River.

es Ursulines



In April 1793, four years before the plan was drawn by Peret—Gilbert Guillemar Mayor of the City of New Orleans drew a plan under the immediate order of the Governor General Carondelet and a copy whereof is now deposited in the land office at New Orleans, and by which plan the limits of the property claimed by our order was marked and designated as it now is and as it was vindicated by the process aforesaid being precisely the same as possessed by the Nuns from the year 1734.

It is also worthy of remark that in the schedule of public property made and planned by the Spanish Government to the French and by the latter to the American Government, no mention whatever is made of the property claimed and held by the Ursuline Nuns, nor was it even intimated at the time of purchase or transfer that the same was public property.

The plan to which we allude as designating and recognizing our property was official and made by the regular and competent authority—that made by Peret was not so—and we may be pardoned for saying that if the possession and enjoyment of property for eighty-six years, confirmed and sanctioned by solemn acts of the sovereign authority which successively held and governed the country can be destroyed and rendered null virtue of an *unofficial plan* unsanctioned by any act of the proper authorities at the time it was made. We can only regret that we have remained in a state of fatal security conscious of the justice as well as legality of our claim. Under these circumstances sir, rest assured, we felt deep concern when we were told that in virtue of your Proclamation our property was to be sold.

Under a sense of duty to ourselves, we protested against the sale and your officers here acting with those feelings of propriety which we trust cannot but meet your sanction, suspended the sales of the disputed property.

Upon a former occasion some of our title papers were forwarded on to Government but whether they were properly presented and our claim properly explained and urged we do not know.

We have now sir no Tribunal to which we can appeal for the investigation of our rights save the Government itself, and under a full conviction that upon a full and fair representation of the merits of our claim it cannot but be recognized by you as just

and legal. We have resolved on obtaining some especial and trusty friend to proceed to Washington City with our title papers and there represent our rights. Our esteemed friend the Bishop Dubourg whose exalted character is known to you has undertaken this task, and we now humbly pray that all further proceedings with the view to the sale of the property be suspended until our Representative can be heard in our behalf.

This is to the Government over which you preside in a manner inspiring confidence in the Humble as well as the exalted, a subject of no concern. To the Ursuline Nuns it is a matter of deep concern.

We appeal therefore to all the generous and just feelings which can actuate a virtuous Chief Magistrate, for such measures as will secure us in the rights sanctioned by the undisputed use and possession of eighty-six years, as well as by the solemn acts of the various Governments under which our order sought and found protection.

If it will not impose too much trouble on you we should be grateful at receiving a communication advising how far our humble petition can be noticed and its prayer accorded, by the President of the United States.

Explanation of the Plan

- A. Entrance.
- B. Externs, or School-Room.
- C. Ancient Church.
- D. Parlour.
- E. Lodging for an extern servant.
- F. Church and Choir.
- H. Convent, School-Room and lodging of the Pensioners and Orphans.
- Y. Kitchen.
- L. Privy.
- M. Store of the timber for repairs.
- N. Church-Yard for the Nuns.
- Q. Store for provisions.
- R. Hen-house.
- S. Wash-house.
- T. Work-shop for the Carpenters and Shoemakers, and Servants' Hospital.

- V. Lodging of the House Keeper.
- X. Yard and Ground for the recreation of the Pensioners.
- Z. Issue on Royal Street through the Yard outside of the inclosure.
 - 1. Ovens, hand-mill, and Kitchen for Slaves.
 - 2. Lodging for the Slaves of the Convent.
 - 3. The Military burying Ground, being of the King, the Baron de Carondelet Governor and Intendant of the Province, intending to establish a Galley for the military criminals proposed to the R. M. Nuns Ursulines to exchange it for another of the same extent nearer the Barracks, as it is proved by the books of said Nuns, by a writing of the Governor dated on the 23rd of March 1793; in order to survey the furniture of provisions of said prisoners on account of that about two hundred men were destined to the works of the fortifications of this town.
 - 4. Portion adjoined las R.M. Ursulines Nuns to said burying Ground, in order to enlarge the yard of the house placed at the Corner.
 - 5. Ground for the establishment of Galleys for the Military Criminals given by the R.M. Nuns in exchange for that indicated with Nr. 3.
 - 6.6. Ground belonging to the R.M. Nuns, as it is proved by their records under the date of the 17th of July 1734. Mr. de Bienville then being Governor and Mr. Salmon Intendant, accompanied the R.M. Ursulines Nuns to this new Convent, and put them in possession of the lots figured by the Nos. 6. 6.
 - 8.8. Walls built at the expense of his Majesty in the year 1789.

Gilberto Guillemand Captain of infantry, Major of the City of New Orleans, commissioned of the care and direction of the fortifications of said City to which it is worked by order of the Governor Intendant General; Certify this present figurative plan very exact as well as regard the situation of the buildings indicated each of them by its letter, as well for the exactness of the division of the lots, for having measured each of them with a Toesa; that I have shaded in yellow the lots belonging to the King on which are built the Barracks; and all the others are the

property of the R.M. Nuns, as well as that has been explained for the lot which the Nuns at the solicitation of the Governor exchanged for another of the same extent; which is seen by the detail of this plan.

And that it may be so known, I gave this present at the City of New Orleans on the 10th of April 1793.

(Signed) Gilberto Guillemand

I hereby certify that the present is a true copy from a plan registered in the land office of this district and that the colours and letters thereof are exact copies from the original, and that the explanation is a correct translation of the notes annexed to the said original which are in the Spanish language.

New Orleans the 1st of January 1821.

Jh. Pilie,
City Surveyor.

APPENDIX B

CONTRAT DE MR. BRADLEY AVEC LES DAMES RELIGIEUSES 25 FEVRIER 1822

[Contract of Mr. Bradley with the Religious Ladies,
February 25, 1822]

Know all men by these presents that on the twenty-fifth day of February, in the year of our Lord one thousand eighteen hundred and twenty-two, in the city of New Orleans

Between the Ursuline Nuns of this place, acting through the medium of L. Wm. DuBourg Bishop of Louisiana, of one Part—and Edward Bradley, a native of Ireland, late from St. Louis, Brickmaker by trade, of the other part, was agreed as follows:

1. That said Edward Bradley shall make for said Ladies six hundred thousand good merchantable bricks, on their plantation, situated about one mile below this city along the river, at the price of two and a half dollars per thousand, keeping constantly at work at least two moulders from the time the work begins, which shall be as soon as the wood for burning the bricks is got on the premises to fix, without any extra charge all the sheds that may be necessary and should any quantity of round, cored, or any other shape bricks be demanded for the intended building to furnish them at the same price as the plain ones.

2. That said Ursuline Nuns shall furnish said Bradley and his hands with board and bedding and nine attendants, also all utensils, moulds, wheel or wheels necessary for the making, wood for burning the bricks, and timber for erecting the sheds.

3. That said Nuns shall pay said Bradley one half of the amount of each kiln of bricks, as soon as it is delivered; one half of the balance due on the whole on the delivery of the last kiln, and their note for the other half of said balance payable six months after its date.

Well understood between the parties that the bricks shall not be received, until examined and approved of by experts of the Ladies choice, and counted or gauged according to custom.

4thly. And in case of said Bradley, on account of sickness, or for some other reason should quit the work before it is completed and not procure a substitute agreeable to the said Ladies then they shall be at liberty to close their contract with said Bradley, by paying him one half of the balance then due to him and their note for the residue at six months as above.

Signed, sealed and acknowledged at N. Orleans, this day and year aforesaid

In presence of (Signed) L. Wm. Dubourg Edward Bradley

This day June 10th, 1823—It has been agreed between the parties concerned in the above contract that it will remain null, and void on the following conditions viz: that I Edward Bradley obligate myself to finish the kiln of bricks which I have commenced, ready for delivery within thirty days from this date, and that after delivering the said kiln I will quit working.

And the Ladies on their part obligate themselves to furnish to said Bradley for burning of said bricks twenty-five cords of good dry wood and the complement in wood such as is on the premises and on the day of his quitting work to pay him in hand by way of indemnity one hundred and twenty-five Drs. and the balance due him.

Signed in the presence of Mess. Gurlie, Guillot, Lombard.
The day and year aforesaid. (Seal)

Claude Gurlie (Signed) Edward Bradley (Seal)

Jh Lombard
Ge Guillot (Seal)

[The following memorandum appears on the back of the document:]

Nottes des Briques	
Fabriquees par Mr. Bradley	
1er fourneau	72400
2d " 	68392
3e " & derniere.....	81800
222,592 Briques a \$2.50 de facon per mille.	\$556.47
pour judemente de la resittation.....	125

	\$681.47
Compte a Mr. Bradley savoir...	
3 janvier 1823.....	\$120
14 mai " 	100
19 juillet en	
[writing blurred]	461.47

	\$681.47

CONTRACT AND SPECIFICATIONS FOR THE URSULINE CONVENT ON
THE MISSISSIPPI BELOW NEW ORLEANS

25 March 1823—The Ursuline Nuns—agreement and contract with Messrs. Gurlie and Guillot.

Before Marc Lafitte, notary public, commissioned for the city and parish of New Orleans, Second Senatorial District of the State of Louisiana, there residing, and in presence of the witnesses here after named and undersigned . . .

—were present—

Mesdames Sister St. Joseph de Laclotte, superior of the community of the Ursuline Nuns in this city, Sister St. Felicite Alzar, assistant, Sister St. Andre Madier, depositary, Sister St. Scholastique Broutin, and Sister St. Louis de Gonzague Bougie, these two latter, councillors; all met in chapter at the sound of the bell in the accustomed manner, stipulating to the present act in the name and for the said community on one part....

And Messrs. Claude Gurlie and Joseph Guillot, associated contractors, residing in this city, here represented by one of them, Mr. Claude Gurlie, on the other part....

Which parties, for the construction of a building in brick and of two stories, which the said community has the intention of having erected on a plantation which belongs to the said community, situated at two miles from this city and below on the left bank of the river, and on the location which the said community shall indicate, establish in the present act their agreement and mutual conditions for this construction, the manner of establishing it, and the price for which it will be done and furnished by the said Sieurs Gurlie and Guillot....

Article First

The said Sieurs Gurlie and Guillot promise and obligate themselves to construct and erect on the plantation of the community of the Ursuline Ladies situated in this parish, two miles distant from this city and on the same side and at the spot which will be indicated to them, a building in brick and of two stories, entirely included in the specifications here represented; which specification is going to be signed by all the contracting parties in order to be and remain annexed to the present act as forming part of it. Which building the said Sieurs Gurlie and Guillot obligate themselves to construct, finish, complete, and perfect totally in all the rules of art, without any interruption, counting and to have it remitted to the said community, key in hand in eighteen months counting from the date of the present act, and even sooner if it is possible; under pain of all damages and legitimate interests. The furnishing for this same building, conforming to this same specification already cited, will be all and without any exception at the expense of the contractors.

Article Two

The said building will be done and constructed after the conditions and agreements established in the first article of the present act, for a sum of fifty-four thousand two hundred dollars. And the contracting parties are already agreed between them that the said sum will be paid and discharged by the community to the said contractors at their mutual convenience, and it is here well understood and explained that all the foundations of this same building will be made in the most solid manner and that the contractors shall employ for it only lime from stone....

Article Three

The said contractors submit themselves, during a lapse of time of two years—only counting from the total completion and

remission to the Ursuline Nuns of the building concerned in the present act, to all responsibility of duty occasioned by the gutters which might exist or take place in the whole extent of the roofing of this same building, or for all defects and blemishes of construction resulting, from their work, but this responsibility does not extend to damage of any nature which shall be caused by acts of God.

Article Four

All the bricks, all the wood of all sorts, the shingles and other objects utilized in the construction, which the said Ursuline Nuns could or shall in case, offer to the contractors in order to aid and facilitate the completion of the enterprise concerned shall be by them received and accepted by them, and they obligate themselves to pay to the said Nuns the price of all these objects on the basis of the proper price which prevails at the time of each delivery which shall be thus made to them. The said contractors promise also to receive in the quality of workmen the two negroes Honore and Charles who belong to the said Ursuline Nuns to be employed in the said quality at the works of their said enterprise; and the contracting parties resolve to fix amicably between them the price of the rent of these same slaves whether by the day or whether by the month. And the said contracting parties agree unanimously that the prices for the said furnishing of bricks, of construction wood, of shingles and of rent of the said two slaves are going to be and shall be received by the said contractors in deduction from the price agreed by them for the said enterprise.

Article Five

Counting from the first of May next the Ursuline Nuns oblige themselves to put at the disposition of the said contractors all the buildings and structures which exist on their said plantation in order to lodge themselves there as well as their workmen and to establish there their different wood yards during the whole time of their enterprise; to the sole reserve of one suitable apartment to serve as a lodging to the charge d'affaires of the said nuns. The said contractors can have and shall have the faculty of depositing on all lands of this same plantation, which are found free, all the materials which shall be necessary for them for the construction of the said building; well understanding that if during the time of this same construction the said contractors

or their workmen damage the buildings and structures which they shall occupy by virtue of the present article, they shall be held to repair them at their expense before abandoning the locality; thus which the said contractors declare themselves to accept....

Article Six

In case of death of one and even of the two contractors contracting by the present act they promise from this moment of formal engagement that the surviving associated contractor or the heirs or assigns of the one and of the other accordingly as the case may be, shall continue without relax the completion of the building of whose enterprise forms the object of the present act; and this at the same prices, clauses and conditions which have just been stipulated, under pain of all expenses, damages and legitimate interest in the case where the present article does not procure its entire and perfect execution.

Article Seven

And in order to assure in the most complete manner the entire and perfect completion of the said building, the said contractors repeat here and obligate themselves anew very expressly to begin the first of May next at the latest or sooner, if that is possible for them, the excavations necessary for the foundations and to continue without leaving off the works thus begun in order to remit this same building to the Ursuline Nuns, done and perfect in eighteen months at the latest counting from the date of these presents. And in order to attain this end the said contractors promise and obligate themselves not to undertake from here to there any other major enterprise and to bring all their cares and the total of their workmen in order to fulfill the views of the said Ursuline Nuns and to free themselves of the present obligation....

For thus has been said, agreed, ruled and accorded between the said contracting parties, promising &c., obligating &c., renouncing &c which act.... done and passed at New Orleans in the principal parlor of the community of the Ursuline Nuns where the said ladies are met in chapter the twenty-fifth of March one thousand eight hundred twenty-three, the forty-seventh year of the independence of the United States of America, in presence of Messrs. Pierre Francois Messonnet and Theodore Seghers

domiciled in this city—witnesses who have signed with the said contracting parties and the undersigned notary after being read. X from the first of May next.

Gurlie and Guillot

by Gurlie

Sr. St. Joseph Laclotte, Superior

Sr. de Ste. Felicite Alzar, Assistant

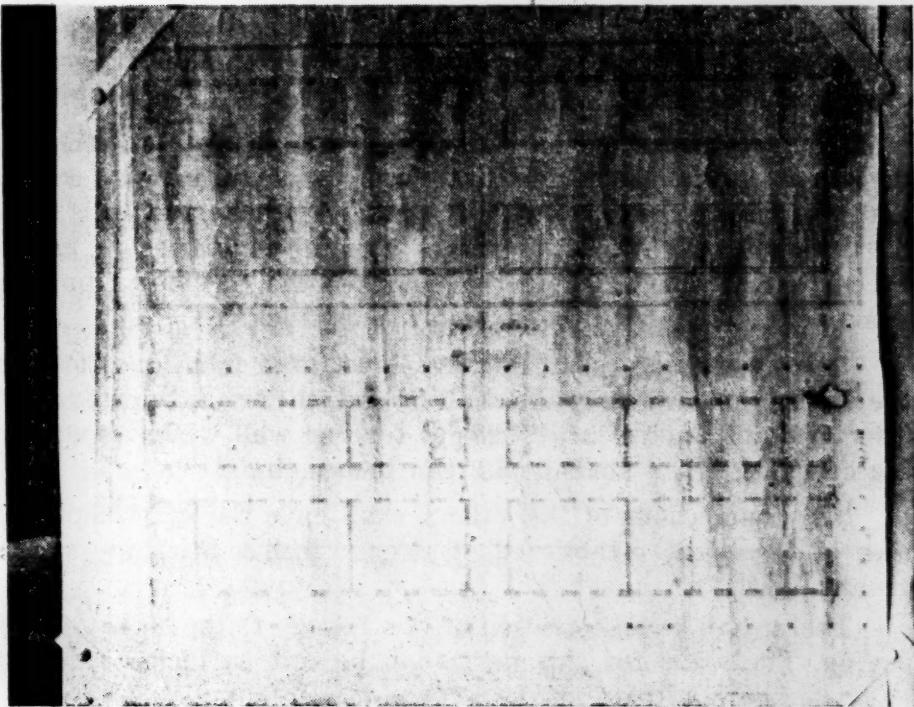
Sr. de St. Andre Madier, Depositary

Sr. de St. Scholastique Broutin

Sr. de St. L. Gonzague Bouggie

Mc. Lafitte, Not. Public

PLATE 33



Plan of Old Ursuline Convent.

Specification of a Building in Brick Projected by the Nuns to
be Constructed on their plantation at Two miles below the city

To wit:

The said building shall have 180 feet of length and 50 feet of width from out to out with a surrounding gallery of eight feet, six inches of width from out to out. The foundations of the said building shall have one foot of depth, established at thirty inches thick. For the exterior walls reduced to twenty-six inches at the level of the ground. The foundations of the interior walls shall also have one foot of depth and twenty inches thick up to the ground level, except one of the walls which separates the corridor which shall be established at two feet thick.

There will be placed in the bottom of the said foundations some cypress planks three inches thick on which the masonry will be established.

There shall be an elevation of two feet six inches from the ground level up to the sills of the doors. The exterior walls shall be two feet thick and the interior walls sixteen inches except one of the walls which separates the corridor which shall be erected twenty inches thick.

The ground floor shall be twelve feet high from one floor to the other. It shall be divided into twelve apartments, a corridor and a vestibule, conforming to the plan. The exterior walls shall be twenty inches thick, and the interior walls twelve inches except one of the walls which separates the corridor from the apartments which shall be sixteen inches thick.

The upper story shall be eleven feet high from one floor to the other; the exterior walls shall be sixteen inches thick and the interior walls twelve inches except for one wall which separates the corridor which shall be sixteen inches thick.

The foundations of the gallery shall have the same depth as that of the house established at twenty inches thick up to the ground level.

There shall be an elevation of two feet up to the height of the paving. The walls for this part shall be sixteen inches thick.

The ground floor of the said gallery shall have pillars in masonry sixteen inches square placed at around ten feet apart.

The said gallery shall be paved in northern brick on the flat, of the best quality.

Framing Wood

The joists to receive the flooring of the ground floor shall be 6 x 7 inches thick placed at eighteen miles [sic] apart.

The small joists of the first floor shall be 4 x 9 inches thick placed like joists at eighteen miles [sic] apart.

The small joists for the top shall be 4 x 12 inches thick placed at the same distance as those of the first floor.

The sills which shall be placed on the pillars at the first floor of the gallery ought to be 10 x 12 inches thick. There shall be placed on each pillar a plate of twenty inches of width by three inches thick in wood or in stone to receive the sill.

There shall be placed a piece 10 inches square running from the said sills and bearing on the wall of the house to receive the small joists of the gallery; the said small joists shall be 4 x 8 inches thick.

The sills for the top of the gallery shall be 8 x 10 inches thick supported by turned wood columns 10 inches square.

The roof framing shall be composed of eighteen trusses corresponding to one on each column of the wide facades and a hip for the two ends.

Each truss shall be composed as follows

Two principal rafters	31 feet long	5 x 10	inches thick
One entree of	25 feet ditto	5 x 10	ditto
One needle of	10 feet ditto	7 x 10	ditto
Two pegs of	7 feet ditto	5 x 7	ditto
Two jambs of	7 feet ditto	5 x 6	ditto
Two ditto broken of	4 feet ditto	4 x 5	ditto
Two counter pegs of	9 feet ditto	5 x 6	ditto
Two rafters of	31 feet ditto	4 x 5	ditto
Two ditto of	26 feet ditto	4 x 5	ditto
One ridge pole of	6 x 6	ditto

The purlins shall be 6 x 6 inches thick placed at the distance carried on the plan.

The rafters for filling in between each truss shall be 4 x 5 inches thick placed at twenty inches apart.

The sheathing (lathing) shall be made of good cypress planks and solidly nailed on the rafters.

The roofing shall be made of shingles of the best quality patterned at 4 inches.

Flooring

The flooring of the ground floor shall be made of cheap cypress planks, planed on one side tongued and grooved and solidly nailed on the joists.

The flooring of the first floor shall be also made of cheap cypress planks planed on two sides and tongued and grooved.

The flooring of the top shall be likewise made of cheap cypress planks planed on one side and tongued and grooved.

The flooring of the gallery for the first floor and for the top shall be made conforming to those of the house.

Partitions

There shall be made in the first floor a partition in the whole length of the building in order to separate the cells from the dormitory. The said partition shall be made of cheap cypress planks planed on two sides and tongued and grooved.

The separations of the cells conforming to the plan shall be made of cypress planks conforming to those of the dormitory.

Carpentry for the Ground Floor

46 doors for the four exterior faces of the building framed of two leaves eight feet high by three feet six inches of width with frame of two inches thickness. Exterior casings. Doors glazed inside of two leaves and cased. Fitted with hinges, hooks, plates, sliding bolts, olive latches and flat bolts.

4 large doors, two of eight feet and two of six feet of width for the entrance of the dormitory framed with small panels of two leaves with import and glazed fanlights. Fitted with all the necessary hardware, the said doors shall be closed by pivoted bars of iron.

47 batten doors for the interior of two leaves two inch frames, eight feet high by three feet and a half of width with casings. Fitted with hinges, hooks and locks where it may be necessary.

Two stairways to go up to the attic with treads, risers, hand rail, balusters, up to the top of the stairway.

Six large glass windows for the dormitories, two of eight feet of width divided into four parts and four of six feet with import and glazed fanlights fitted with all necessary hardware.

38 windows for the four faces of the building with batten shutters of two leaves five feet three inches high by three feet six inches of width with two inch thick frames, exterior casings, glazed sash of two leaves and inside casings, fitted with hinges and other necessary hardware.

32 batten doors for the cells, eight feet high by three feet $\frac{1}{2}$ wide of two leaves, sixteen with veneering and the others partitions with casings, counter casings having each its lock and other necessary hardware.

The great facade of the gallery on the river side with the space between the columns of the two ends shall be closed in with jalousies up to the height of six feet and a half of which two feet and a half up to the railing shall be closed in by jalousies with fixed slats and the four feet above the railing shall be closed in by jalousies with moving slats, divided into four parts of which two parts moving and two parts fixed. The three other facades of the said gallery shall be closed in up to the height of the railing with vertical balusters and the four feet above the railing shall be closed in with jalousies in the same manner as the facade of the river side.

There shall be a covered way provided in order to communicate from the said building to the building already existing.

There shall be some small hooks set for each opening inside and outside to stop the banging of the doors and windows.

Painting

Paint with two coats in grey and in green in the necessary places, all the doors and windows of the said building, all the doors of the house and gallery, the columns, the railings, the bannisters, the jalousies and the two stairways.

All the materials employed in the construction of the said building shall be of good quality subject to the inspection of a person named by the Nuns if they judge it necessary.

For all the works mentioned in the present specifications the whole done, furnished and in good condition, by expert inspection, for the price of fifty-four thousand two hundred dollars.

Done and decreed at New Orleans the twenty-fifth March
One thousand eight hundred twenty-three.

(Signed) Gurlie and Guillot
by Gurlie

OPERA IN NEW ORLEANS IN DAYS OF YORE

By ANDRÉ LAFARGUE

The subject is a vast and all-embracing one. It cannot be dealt with adequately and comprehensively in an article of the present character and scope. The source material dealing with Opera in New Orleans, at its very birth and in its earliest stages, is scattered and not by any means voluminous. Most of it is to be found in the first newspapers printed in French and some in English or in both languages, as was very much the custom at the time. In some instances, as in the case of the *Moniteur de la Louisiane*, the volumes containing the first eight years of the publication, from 1794 to 1802, are missing. They may possibly be found someday, in an abandoned spot, in a garret or in neglected or long-forgotten archives of a nondescript character. The complete files of the *Louisiana Gazette* do not make any mention whatsoever of Opera in New Orleans at the end of the eighteenth century.

To the average New Orleanian of my generation, the word "Opera" has a magic and all-compelling significance. In Aladdin lamp-like fashion it unfolds at once a vision of another world, whose splendor, scenery, harmony and richness of coloring and costuming hold one spellbound. And indeed such is Opera and such it has been from its very beginnings. In my humble opinion, it is the highest form of dramatic and musical entertainment. It deals with history, geography, fancy, mythology and nature, and it presents drama of a poignant and tragic character or in a lighter vein, or comedy, whether Shakespearian or Molieresque or infinitely tenuous, with a musical setting of such sweeping power that the dramatic action itself soon becomes secondary and subservient to the musical score. Opera is indeed a universal language in which we may all converse and commune; and let me say right here, in the light of recent events of an all-sweeping international character, that Opera, properly speaking, cannot clothe itself with a national exclusiveness or become the patriotic property, as it were, of the nation to which the composer of opera belongs. In its highest form, in its intellectual appeal, in its soothing influence and beneficial effects, whether to the heart, soul or mind, Opera is the quintessence of dramatic and musical achieve-

ment, and its refining, ennobling and restful influence should not be denied to humanity or to any special set of people because of the nationality of the genius that conceived it and wrote it for his own and future generations, irrespective of one's national allegiance or territorial boundaries.

I have always felt sorry for one who does not like music, one who tells you very frankly and very truthfully that music does not appeal to him at all and does not arouse in him the slightest feeling, either of a melancholic, of a joyous or of a reminiscent or dreamlike nature. It seems to me that there must be something wrong with such a human type, and yet he is to be found and, as he does not know what he misses, it may be that he is not to be pitied too strongly. I still feel sorry for him.

New Orleans, because of the people that first settled it in 1718, causing it to rise from one of the lowest and most dismal swamps of "Old Man River," on the bank or curve of what Bienville referred to as "the most majestic bend" of the huge stream, is thoroughly and completely identified with Opera and all that the word stands for in the realm of beauty, refinement and intellectual enjoyment. I doubt very much that the early pioneers from Normandy, Brittany, the Poitou, the Saintonge or other sections of France gave very much thought to opera as dispensed and provided in their dear native country at the very time of the founding of the "Crescent City," but it is nonetheless a fact that where the croaking of the frogs, the humming of the insects, and even the buzz of the mosquitoes and the light, piercing and at times exhilarating songs and cries of birds were heard, prior to the coming of the white man, folklorish chants and songs reminiscent of La Rochelle, Dieppe, Brest, Rouen and other ports of France and of the adjoining country were heard in unison, as the day's hard work of digging, irrigating, draining, cutting and building was finished and the early settlers sat on their rudely constructed small benches, in front of their thatched and palmetto-covered primitive dwellings, and their thoughts went back to the old country for which they were building a new empire, on a dismal spot. They were Frenchmen, typically so, and as they represented a cross section, as it were, of the northern and western regions of their native land it was but natural for them, after they had exhausted the topics of the day—which could not be very diversified or lengthy—to fall together

into songs of Normandy and of Brittany or folklore ballads and chants from the other provinces of *La Belle France*. May I be allowed, in fanciful mood, to state that their first orchestras or musical accompaniment were those that mosquitoes and bullfrogs furnished—nature's orchestra!

Chroniclers and historians do not tell us that Opera even made a feeble attempt to establish itself in New Orleans under the French domination, that lasted from 1718 to 1769. Doubtless there were musical soireés given in the colonial and lavishly-built *Petit Versailles* of the magnificent Marquis de Vaudreuil, who succeeded Perier, the practical and levee-building governor of Louisiana. De Kerlerec and his retinue and even D'Abbadie and Aubry (the taciturn) entertained, and most surely the same songs and musical compositions of both a vocal and an instrumental character that were sung and played in the brilliant *salons* of Paris, were heard on the banks of the mighty "Father of Rivers." Ulloa, the first Spanish governor, was not given a chance to give social functions, as an irate population forced him to remain on his frigate anchored in midstream. O'Reilly, his successor, was busy punishing the rebellious Louisianans, who at the time preferred to be shot rather than to give up their allegiance to a country that had already forgotten them; but Galvez, Miro, Gayoso, Salcedo and the others surely entertained musically and grandiosely in a manner befitting their rank and the proud country they represented.

The beginning of Opera, as such, in New Orleans must be attributed to a wandering and none-too-homogeneous group of artists who came to our city in 1791, having fled from the relentless persecution and revolutionary deeds of the slaves in Santo Domingo and Haiti. In 1791, one Louis Blaise Tabary—a name reminiscent, as it were, of a juggler or open-air performer—arrived here with his itinerant players; and as they found themselves in dire necessity, they decided to give performances of both a dramatic and a musical character, which the inhabitants of New Orleans had never before witnessed. The Tabary group of players unquestionably were the first to present an entertainment that came as close to an operatic performance as one could possibly desire or expect at the time, at the place, and under the conditions in which it took place. The show was known popularly and legally as *Le Spectacle de la rue St. Pierre*, both

because the early or first performances may have been given in the muddy street proper, under a tent, and because Tabary and his genial companions later played under a roof and in a theater built for them on a spot on the downtown or lower side of St. Peter Street. The building was of an extremely primitive character and none too solidly constructed. Because of its unsanitary condition and leaking roof it had to be renovated, repaired and, as some contend, rebuilt entirely, but the performances were always given on the *Rue St. Pierre*, and so it is that the *Theatre de la rue St. Pierre* or the *Spectacle de la rue St. Pierre* was the first venture in opera in dear old New Orleans.

Harry Brunswick Loeb, at one time an impresario of the famed French Opera House and an authority on music and opera as given in New Orleans, tells us that on September 14, 1808, a three-act melodrama entitled *Le Prince Tekeli, ou le Siege de Montgatz* was followed by a one-act opera, *Le Secret*. A later program reveals that the *Theatre de la rue St. Pierre* played *Le Collateral, ou la Diligence de Joigny*, a comedy in five acts, and *L'Amour Filial, ou la Jambe de Bois*, an opera in one act, by Gaveaux. Some of the repertory of Mehul was likewise given. Most of the operatic scores played were of the contemporary school of French composers and of the lighter variety, usually one-act or two-act operas.

The *Spectacle de la rue St. Pierre* and the *Theatre St. Pierre* were unquestionably the cradle of Opera in New Orleans. The good people of New Orleans, who previously had been deprived of operatic performances and who in most instances, when they came from Paris or the larger French cities, were familiar with that form of musical entertainment, took to the latter with a vengeance and attended *Le Spectacle* in large and enthusiastic numbers, irrespective of the fact that it was given in the beginning under moonlight and very often under a leaky roof or on flooring which at times provided a foot bath five to six inches in depth. One could truthfully say that their operatic ardor could not be dampened by weather conditions or the frailness of the "Opera House." I wish that space allowed me to narrate here some of the spicy episodes connected with Tabary's troupe and its performances at the *Spectacle de la rue St. Pierre*.

We are told that in 1810 there were three theatres in which operatic performances were held: the *Theatre St. Pierre*, the

Theatre St. Philippe and the *Theatre d'Orleans*. New Orleans was indeed coming into its own as an operatic and dramatic center. Prior to the closing of the *Theatre St. Pierre*, that ever-resourceful and busy Monsieur Tabary of Santo Domingo fame had assumed the direction of the new *Theatre St. Philippe*, a pretentious building, erected at a cost of \$100,000, which occupied the site of the present St. Philip School, at the corner of St. Philip and Royal streets, some three blocks away from the pioneer *Theatre St. Pierre*. The place had a parquet or orchestra circle and three tiers of boxes "gracefully curved and superimposed." On January 30, 1808, it gave an opening performance with the usual program of the time, a combined dramatic and musical one. The one-act comedy, *Les Fausses Consultations*, was followed by Mehul's two-act opera, *D'une Folie*, words by Bouilly. One-act and two-act operas either preceded or followed the purely dramatic part of the entertainment. That seems to be a pattern that was rigidly adhered to on and from the initial performances of Tabary's troupe, 'neath the moonlit and starry skies, and during all of the first quarter of the nineteenth century.

The *Theatre St. Philippe* was the scene of many performances of both an orderly and a disorderly character. The people of New Orleans in those days had adopted the French custom of evidencing their approval or disapproval of players and singers in no uncertain fashion. I find that some of the programs of the *Theatre St. Philippe* gave operas that bore an English title, such as *Stormy Night*, but I doubt very much that the singers resorted to an English libretto, as the great majority of them did not speak English and the audiences, at any rate, would not have understood them.

One cannot write about Opera in New Orleans without mentioning this *Theatre St. Philippe*, which for its time was really an opera house of "vast and grandiose" proportions, as a writer of the day asserted. It could seat seven hundred people—quite an audience for New Orleans of the very early nineteenth century. Space forbids that I should relate here some of the spicy and picturesque incidents that took place at the *Theatre St. Philippe*. Napoleon's name, his victories and his return from Elba and final defeat at Waterloo were mentioned and proclaimed by those who had recently arrived from Europe and who were really merely heralds or the advance guard of the veterans of *Le Petit*

Corporal, the type of *demi-soldes* made immortal by Balzac's pen, who later on settled in New Orleans and Louisiana under one of the Grouchys of Waterloo fame. But even its seven hundred seats and "gracefully curved balconies and boxes" in superimposed fashion could not save the *Theatre St. Philippe* from the ravages of time, indifference, ingratitude and neglect. The *Theatre St. Philippe* in the last years of its erstwhile glorious career housed a circus and finally a dance hall of ill repute, known as the Washington Ballroom, frequented by people of "low" and sometimes "high" degree. Institutions, like human beings, totter and disappear. *Sic transit gloria mundi!*

I stated a while ago that in the year 1810 New Orleans had three theatres, the two just mentioned and described on the *Rues St. Pierre et St. Philippe*, and the *Theatre d'Orleans*, at the corner of Orleans—the main dividing line or avenue of the *Vieux Carré*, the original part of the city—and Bourbon streets. It was built and finished in 1809 by John Davis, a famous impresario to whom New Orleans and music lovers of this community are heavily indebted for some of the most beautiful and inspiring performances of an operatic character given in the old "Crescent City." This first construction had a short-lived career. It was destroyed by fire in 1813, and in 1816 there arose phoenix-like from its ashes one of the most harmonious buildings, architecturally and otherwise, that ever graced the *Vieux Carré* and one whose history and operatic career made of New Orleans easily the most famous of opera centers on the American continent, for it was unquestionably the *Theatre d'Orleans* that drew the attention of the world at large to the munificent efforts by our city and its citizenry in the domain of Opera on its entire scale, from what was then and is still known as *Grand Opera* to *Opera Bouffe*, *Opera Comique* or the lighter forms of opera and operetta. The Davises, father and son, and Charles Boudousquie managed in turn this magnificent building, which cost "\$180,000.00," was of "Doric architecture" and contained a *parquet*, two tiers of boxes and *loges grillées* (latticed boxes), the latter to be occupied by persons in mourning or by those who did not care to be seen and wanted to witness the performances in comfort and without arousing gossip, adverse comment or criticism of a justified character. I have often referred to these mysterious and semi-darkened boxes as "confessionals" wherein the occupants could hear what the outsiders said about them and could not retort,

as their lips were sealed by the anonymous and mysterious character of the box which they occupied.

At this *Theatre d'Orleans*, Opera in our good city attained the zenith of its scope, power and influence. The Marquis de Lafayette, visiting New Orleans in 1825, attended an operatic and dramatic performance at the *Theatre d'Orleans* and said unhesitatingly that the edifice, the players and singers and the audience could vie with those of the most famous Opera Houses in Europe and in cultured centers. He was particularly impressed with the elegance of the attire of the male portion of the audience and with the beauty, tasteful dressing and refinement of the Creole ladies who sat in their boxes in "truly queenly fashion." This compliment from the famous soldier, statesman and aristocrat from France, who had traveled all over the world and had witnessed operatic performances in some of the most famous opera houses of Europe, went straight to the heart of his listeners. Lafayette's comment on opera as given in New Orleans in 1825 speaks volumes for the excellence and the magnificence of the operatic productions that were presented in the Doric temple of art which the Davises had caused to be erected on Orleans Street and which stretched in frontage from the corner of Bourbon to well-nigh Royal Street, as eventually a ballroom was added to the *Salle de Spectacle*, the auditorium itself and its *foyer*, and in this ballroom, brilliantly illuminated on gala occasions, suppers were served to the élite of New Orleans operagoers. The scene must have been an unforgettable one as the auditorium, the foyer and the ballroom could be connected uninterruptedly and would form when thrown together a vista of unequalled splendor and brilliancy.

One of the most dramatic incidents connected with the effulgent career of the *Theatre d'Orleans* was the collapse of the side boxes of the *secondes* and *troisièmes* upon the first tier of boxes on February 26, 1854. The accident occurred during a performance and at a time when the house was filled to capacity. As the writer for the *Daily Picayune* said, in commenting upon the catastrophe, "The event was one that surpassed in tragic intensity and thrill drama that was then being enacted on the stage."

The roster of illustrious players and the list of dramas and operas given at the *Theatre d'Orleans* from its opening performances to the time that it was destroyed like its predecessors by a

huge conflagration, contains some of the most famous names of actors and composers of the time. Meyerbeer seems to have been the favorite composer of that time, as he proved to be likewise in the palmy days of the French Opera House. The audiences of the *Theatre d'Orleans*, most of them familiar with the best of operatic scores, applauded vigorously and at times deliriously the main arias, duets, trios, quartets or ensembles both vocal and orchestral of a composer who, though of German birth, wrote music which could only find its counterpart in the Italian or French schools of that time. *Les Huguenots*, *L'Africane*, *Robert le Diable*, *l'Etoile du Nord*, *Le Prophete* and *Le Pardon de Ploermel* were operas that were time and again presented on the stage of the *Theatre d'Orleans* and that never failed to draw a big house. Halevy's *La Juive* and *Charles VI*, *La Vestale* by Spontini and *Orphee* by Gluck were also prime favorites of the habituées of the *Theatre d'Orleans*. Lighter operas, such as the *Dragons de Villars*, the delightful and tuneful *Si j'étais Roi*, *Les Amours du Diable*, and other operettas gave the secondary players an opportunity to show their worth and talent.

The *Theatre d'Orleans* received and entertained three presidents of the United States, Andrew Jackson, Martin Van Buren and Zachary Taylor. It was within its portals that the talented Julie Calve (who later became Mrs. Charles Boudousquie) scored some of her greatest histrionic and vocal triumphs. The "Swedish Nightingale," as she was then popularly and affectionately known, Jenny Lind, sang most beautifully *L'Elixir d'Amour* (*The Elixir of Love*) by Donizetti, her partner being on that occasion the famous Bellini. Lola Montes, on February 12, 1853, sang at the *Theatre d'Orleans* and so did the majestic and never-to-be-forgotten Rose de Vries, the inimitable contralto, who created the part of "Fides" in *Le Prophete*, and the very charming Madame Pauline Colson, who created the part of Catharine in *l'Etoile du Nord*. There also the two great tenors robusto, Duluc and Bordas, and the famous bassos, Genebrel and Junea, were heard and applauded. And it may not be amiss to mention that Gottschalk, beloved of New Orleanians, gave a concert and recital and thrilled his audience with his masterly technique as a pianist and composer.

In fact to the last days of its history the *Theatre d'Orleans* was the home of beautiful, ennobling and intellectual opera and of drama of the highest order. Its part in the operatic history

of New Orleans was at once magnificent and compelling, and for some years after the inauguration of the French Opera House it vied with that institution in operatic and musical productions.

And now we have come to the crowning glory of operatic history in our dear New Orleans, *L'Opera Francais de la Nouvelle Orléans* (The French Opera of New Orleans), the famous lyric temple which for so many years graced the corner of Bourbon and Toulouse streets, in the very heart of the *Vieux Carré* or old French Quarter. One can truthfully say that from 1859 to 1919 the French Opera House in New Orleans was a civic center of art, refinement and culture of a distinctive and undeniable character. The French Opera House was as much a part of New Orleans, both material and spiritual, as was Canal Street, the Hotel St. Louis, the Cathedral, the Cabildo, the Presbytery or the Pontalba Buildings, famous sites and institutions which we cannot think of or mention unless we conjure up instantaneously and spontaneously a vision of the "Crescent City."

The writer of this article was born and bred "'neath the shadow of the French Opera House," as it were, having lived at various times within a stone's throw of the edifice on Bourbon Street or in the immediate vicinity. There was not a nook or corner of the dear old building with which he was not familiar, and few of the singers, both prominent and lowly, that he did not meet from 1885 down to the day of the disastrous conflagration of 1919, which destroyed an edifice within whose walls the greatest singers of Europe and more particularly of France and the masterpieces of the German, Italian, Belgian, English and French composers were heard and rendered, and within whose walls likewise the Carnival Balls and the most delightful and formal social functions were held. Were the "stones" or rather the "bricks" of the Opera House at the corner of Toulouse and Bourbon, spared by the fire, able to speak, they would indeed have some wondrous tales to tell us of the operatic triumphs, *premières* of an eventful character and balls and pageants of unsurpassed splendor wherein the most famous pages of history were reenacted, and science, mythology, geography and folklore vied in lavish and sumptuous display, recalling the fabulous days of Haroun al Raschid, of the days of Ali Baba and his Forty Thieves, Aladdin's Lamp and the One Thousand and One Night Tales, scintillated in a dazzling and never-to-be-forgotten pattern

of Oriental multicolors. This may sound pompous and theatrical, but it is nonetheless the strict and veriest truth, for the French Opera House was not merely a lyrical temple devoted to music and operatic performances. It was also, and prior to the building of our huge Auditorium, which can only serve its purpose, a Community House of culture and social refinement, wherein the élite of New Orleans and even mere spectators and invited guests gathered on and from the Sixth of January to Mardi Gras at Midnight to present tableaux or to witness them, spectacles of unsurpassed beauty, artistry and intellectual conception.

The French Opera House was *par excellence* the proper and only setting for our Carnival Balls and the functions held therein subsequent to the parades that wound their way in the brilliantly illuminated streets of New Orleans, unfolding to thousands, to the entire population, the rich, the poor, the influential, the lonely, the aged and the young, the sick and the healthy, and displaying for their sheer delight and recreation a spectacle reminiscent of history, geography, mythology, science or of the mere domain of fancy, rich in coloring, in perspective and educational value. The French Opera House was a Mecca, a converging point, an ultimate goal for all the Carnival Balls and functions and for all the parades which left their dens or points of gathering with the slogan: "On to the French Opera House" from the lips of the maskers and the red-hooded Negroes that directed the plodding route of the mule-driven "chariots."

The French Opera House had also witnessed political conventions, scientific gatherings, bazaars and benefit concerts and events of the utmost importance in the social, civic and political life of New Orleans. It is no small wonder, therefore, that we who know so well what the edifice represented and what it stood for in our midst, wept unashamed when we saw the walls of the famous old building totter and fall with a dismal crash on the morning of December 4, 1919, when fire had eaten into and undermined their buttresses.

The French Opera House was born, as it were, of a disagreement. The *Theatre d'Orleans*, as a result of various vicissitudes, which I do not feel that I should narrate herein, was sold, resold and finally acquired by a Mr. Parlange. The theater was then administered by Charles Boudousquie, who failed to agree with Mr. Parlange as to the terms of the lease on the house on Orleans

and Bourbon streets. A new company was formed by Boudousquie, ever alert, resourceful and devoted to the lyric art. A stock company was organized and the charter signed on March 4, 1859. More than a month afterwards construction work on the new opera house was started and two hundred and thirty-three days subsequent thereto there arose in all its architectural splendor and classical Italian Renaissance style, at the corner of Bourbon and Toulouse streets, a lyric temple with a balustraded roof and an advanced and enclosed gallery on the sidewalk on Bourbon Street, which for sixty years stood in our midst as a symbol of musical lore and French culture and refinement, a veritable treasure house, which because of the uses to which it was put, was the common property of the good people of New Orleans and more particularly of those who loved music and entertainments of the highest order, such as the Carnival Balls and similar functions.

Speaking—or writing—as one who has frequented assiduously the French Opera House, on and from the time that I attained what was then known as the “age of reason”—although I do not know why—I can say truthfully that a *première* or opening performance of the season at the French Opera House was a sight never to be forgotten. It would be erroneous for me to state that none but the rich attended the French Opera House performances and more particularly the *premières* or opening performances. In our younger days, in order to attend the *première*, we did not hesitate to borrow from our wealthier relatives who did not care for music or opera, their coattails, or we would mortgage our salaries or borrow from our friends in order to rent a full-dress suit and thereby appear in all our glory on the night of the first performance, mingling with the rich, the intellectual, the critics, the snobs, and discussing with them the merits or the failings of the tenor, of the dugazon or of the basso or contralto, with as much sapience and with the same degree of authority and fervor which they themselves possessed. A French Opera House *première* in New Orleans was an event of transcendent importance, something which you could not miss if you cared to maintain your reputation among your friends as one who loved music and who was a Creole gentleman to the manor born, irrespective of whether you had fifty cents or five thousand dollars in your wallet.

A *première* at the French Opera House was indeed a democratic institution, one essentially of New Orleans conception and creation, one at which by the mere fact that you were there gave you the right to accost people that you would not have approached otherwise and with whom you discussed and argued pro and con as to whether the new tenor had sung *Plus blanche que la blanche hermine* in the *Huguenots* with the proper delicate phrasing and lyrical crescendo or as to whether the falcon or dramatic soprano had sung her main aria in *La Juive*, *Robert le Diable* or *l'Africaine* with proper fervor and with the rich and deeper intonation that the score called for.

Between the acts you would visit from box to box or you might condescend to climb up to the second tier or to visit your very "poor relations" in the *troisièmes*, and there you would renew with them the selfsame discussions as to the real talent or worth of the tenor, the falcon, the coloratura, the basso, the baritone or the contralto. For days following a *première* New Orleans was opera mad. Politics, literature, drama, scientific achievements, or even the perpetual subjects of the latest in fashion for male or female attire or the weather, were ruthlessly cast aside for the all-absorbing topic of the *première* or opening performance of the French Opera and the promises it held forth for a brilliant or successful season. And the matter was not to be treated lightly or in jocular fashion. One would have thought that the very existence of the city hung in the balance as these discussions went on, which sometimes degenerated into fights or acrimonious remarks.

I am speaking from personal experience. I was one of those who looked upon the advent of the opera season and the opening performance as events of the utmost importance in my life. I could not have conceived at the time of anything more important or more vital in this world of ours. I have placed some emphasis on this mental attitude of ours towards Opera to show my readers that the people of New Orleans, always highly critical of what they heard and saw on the French Opera stage, were nonetheless deeply devoted to the institution and to what it represented. It was not only a playhouse to them. The French Opera was an academy, an institute, where none but the best could and should be heard, and where if we had given our blessing to a new tenor or to a new falcon, he or she could be heard in Paris, in London or in Milan with perfect propriety.

One can never forget the sight presented by the auditorium of the French Opera House, either at a *première* or on one of the subscription nights. The *parquet* was filled to overflowing with ladies and gentlemen of maturer aspect, clad in their very best formal clothes. The proscenium boxes, large, spacious and deep, were occupied by their usual patrons and guests and were the cynosure of all eyes. The horseshoe on the first tier was filled with the most beautiful girls of New Orleans and the vicinity, in *décolleté* and wielding fans of rare plumage and variegated colors, wearing in their hair or around snowy-white delicate throats dazzling pieces of jewelry. The second tier also had boxes filled with nicely dressed people. I cannot refer to the attire of those who were in the *loges grillées*. They were not there to be seen. Up in the *troisièmes* and in the *quatrièmes*—the *paradis* or *poulailleur*, as it was better known—were to be found people who wore business clothes and who were less magnificently dressed, but most of whom were excellent judges of music and operatic entertainments. They yielded to none their right to criticize the troupe. This great mass of humanity, nearly two thousand strong, under the brilliant lights of the main chandelier and of the side lighting fixtures, chatted animatedly and expectantly as the musicians in the pit would tune their instruments. An air of expectancy hung over the whole crowd, and woe unto the "Raoul de Nagis," the "Eleazar," the "Vasco de Gama," the "Valentine," the "Rachel" or the "Selika" who did not measure up to the expectations, either vocally or histrionically. The judgment of the people of New Orleans was swift and just.

In the days of the French Opera House the season was a three-months one. An entire company, adapted to *grand opera*, *opera comique*, *opera bouffe* and *operetta*, as well as a complete orchestra of some forty or forty-five musicians, a full *corps de ballet*, were recruited by the impresario in France and was brought to the city. Usually the season consisted of forty "subscription performances," as they were called. They were given on Tuesdays, Thursdays and Saturdays, with a matinée of grand or light opera on Sundays, and on Sunday nights the delightful operettas. The venture was a considerable one and was carried on at great expense. With some few exceptions, the seasons did not prove a financial success, but what mattered it; "angels" and munificent patrons of art were always found who subscribed

and sometimes oversubscribed the amount called for by the impresario.

The first performance given at the French Opera House was held on December 1, 1859. Rossini's *William Tell*, with its masterful overture, was the opera that ushered in both the new season and the new edifice, which naturally was filled to overflowing and in which all New Orleans had gathered, young and old, poor and rich, and each in their respective seats scanning critically and appraising severely the singer as he intoned "Asile Hereditaire," which to me is a voice breaker of the first magnitude.

The French Opera House had its regular seasons from the day of its opening in 1859 until the outbreak of World War I in 1914. The Civil War likewise interrupted and hampered very seriously the French Opera seasons. In addition, there were six seasons during which, for various reasons, the French Opera House remained dark. The season of 1904-1905 was a purely dramatic one directed by a Mr. Cazelles who brought here an excellent and talented troupe of players in modern and classical repertory, but it did not prove a success. The people of New Orleans seemed to think that their Opera House, as the name implied, was essentially the home of opera and not one for drama.

I shall not attempt in this article to give you a list of the operas sung in the French Opera House, nor shall I include therein the roster of the famous singers who either made their debut or came to the French Opera House to obtain its blessing or to have their reputation duly and officially consecrated. Meyerbeer, in my days, as well as prior thereto, was a favorite with operagoers in the early part of this century and in the latter part of the previous one. *The Huguenots*, *L'Africaine*, *Robert le Diable* appeared quite frequently on the opera bills in years of yore, but Halevy's *La Juive* or Rossini's *William Tell* vied with *Les Huguenots* and *Le Prophète* by Meyerbeer as opening performances for the season. Usually for this opening performance an opera was selected in which as many members of the troupe as possible could appear at the *première*. That is one of the reasons why the operatic vehicles that I have just mentioned were selected. The Italian school of music met with great success at the hands of the audiences of the French Opera House. Verdi, Rossini, Bellini, Donizetti, and later on Mascagni, Puccini, Leoncavello, Ponchielli, figure prominently in the list of operatic offerings of

the French Opera House, as well as Meyerbeer and the masterful Wagner. In the early days of the French Opera House, Auber, Boieldieu, Mehul, Herold, Offenbach and Ambroise Thomas compositions appeared frequently on the opera posters, to which later on were added the glorious names of the contemporary school, Massenet, Bizet, Charpentier, Delibes, Gounod, Lalo, Reyer, Saint-Saëns and so many others whose names are emblazoned on the operatic shield of *La Belle France*.

I can mention only a few of the really great and delightful singers who appeared on the stage of the French Opera House. In 1861 Adelina Patti, then only eighteen years old, sang in *Robert le Diable*, *Il Trovatore*, *Les Huguenots*, *Charles VI* and other operas of the French or Italian schools. She likewise delighted her audiences with her rendition of Rosina in the *Barbier de Seville*, Rossini's masterpiece. Adelina Patti by itself is a name to conjure with. Some of the most talented and brilliant singers of the French and Belgian stages have been heard at the French Opera House. Fureh Madier, Madier de Montjau, Rose Devries, Hervey, Lematte, Dauriac, Mme. Baux, Paccary (Lina), Fierens, Bressler-Gianoli, and Foedor are great falcons, dugazons and contraltos whose voices thrilled and enraptured the French Opera House audiences. And among the men singers, how can I fail to mention Tournie, Berger, Lafarge, Cossira, Paulin, Gilbert, Bonnard, Jerome, Duc, Constantino, Escalais, Fontaine, Devoyod, Dumestre, Claverie, Albers, Mezy, Layolle, Castelmary, Chavarroche, Bouxman, Van Houfflen, Huberty, and so many others that I am overlooking and whose magnificent voices as tenors, either robusto or lyrical, as baritones, or as basso profundo or *basse legers* have left their indelible imprint on the minds and the memories of those who heard them at *l'Opera Francais*. And of course such brilliant seasons, artistically and otherwise, could not have been achieved had it not been that very able and enlightened impresarii like Boudousquie and Davis, Alhaisa and Calabresi, Canonge, De Beauplan, Durieu, O'Connell, Roberval, to mention only a few of them, directed and managed them from beginning to end and brought them to a successful completion.

And during all of these sixty years the French Opera House, whether open or closed, stood like a great beacon of light and cultural encouragement even in the days when the dogs of war were unleashed or when economic conditions interfered with its operation.

There are certain outstanding performances at the French Opera House in which the name of a particular singer is linked indissolubly with the work in which he achieved operatic success and renown. How well do I remember the glorious singing and appearance of Mme. Fierens in Gounod's *La Reine de Saba*, Lina Paccary's acting and singing of a majestic and all-compelling character in Reyer's *Salambo*, with Layolle, the great baritone, as her partner; Foedor and Albers in *La Navarraise*, and the unforgettable subscription night performances, as well as Sunday matineés, in which Madier de Montjau (our own Etta Roehl) and Bonnard, the sweet singer, scored heavily in *La Traviata* and *Manon*; Jerome's rendition of *Lakme*; Nuibo in *Le Jongleur de Notre Dame*; Affre in *Romeo and Juliette*; *La Juive* with Duc, of the powerful high register; Korsoff in *Lucia*, Paulin in *Sigurd*; Bressler-Gianoli, whose singing of the role of *Carmen* rivaled Calve's rendition of the famous part; *Rigoletto* with Mezy, and *Madame Butterfly* with Yerna and Cortez. They were performances that could not be forgotten, "things of beauty and joys forever," as the poet has said.

Nor should it be forgotten that the French Opera House introduced to America Reyer's *Sigurd* and *Salambo*, Massenet's *Herodiade*, *Cendrillion*, *Esclarmode* and *Don Quichotte*, Saint-Saëns' *Samson et Delila*, Giordano's *Siberia*, and Gounod's *Siberia*, and Gounod's *La Reine de Saba*.

I attended the last performance given at the French Opera House, on Tuesday, December 2, 1919. *Les Huguenots* of Meyerbeer, one of the most popular offerings at the French Opera House, was given on that occasion. As I left the dear old Opera House, with my wife, I did not dream that in less than thirty-six hours afterwards the building would be a heap of smoking ruins which hundreds of people would contemplate with tears in their eyes. On Thursday morning, the fourth of that month, fire swiftly destroyed one of the best-known and most cherished buildings of the entire Mississippi Valley. It was a distinct loss to the cultural patrimony of the Crescent City and of the entire valley. Expressions of deep regret were heard from all sides and from every section of the country. More than ever we felt that we had sustained a disaster that neither time nor willing hearts and money could repair. Both the aspect of the streets in the immediate neighborhood and their special character and atmosphere vanished with the disappearance of the lyric temple at the

corner of Bourbon and Toulouse streets. The Carnival festivities were particularly hard hit by the catastrophe and, of course, Opera itself lost an abode and a setting which have never been replaced.

And that is why I crave permission from my readers to quote the concluding portion of a paper which I read before the Louisiana Historical Society at the Cabildo, on March 23, 1920, less than four months after the disastrous fire, entitled "The New Orleans French Opera House: a Retrospect":

On behalf of all those who were crowned queens of our Carnival Balls, of their courts and courtiers, of all those with whom we have time and again waltzed or two-stepped in rapturous delight on the stage of the old Bourbon Street house; in the name of the great singers who have appeared on the bords of the old historic building; in the name of history and of the glorious past we fervently hope that through generous donors and public spirited citizens, the Opera House, magic like, will arise once more on the very place where Gallier had built it, to delight the many thousands that sought recreation and gayety within its hallowed walls. To build it anywhere else would cause Orpheus to lament such a decision, would force Terpsichore to seek another abode and would compel Venus to hide her wondrous face 'neath tears and desolation. A priceless gem, to properly scintillate, must be given the right setting. An Opera House in New Orleans would not find its true atmosphere and surroundings in any other place than at the corner of Toulouse and Bourbon Streets. There only can it regain its pristine glory and its historic character.

At the time when the French Opera House was destroyed by fire, the 1919-1920 season, under the management of Louis Verande, had just started. The season was completed at the Athenaeum with costume and accessories willingly and cheerfully lent by New Orleanians and from Carnival wardrobes.

Then came ten years during which the good inhabitants of this city were deprived of their operatic season and, for that matter, of Opera in any shape, manner or form. In 1930 Benedict M. Grunewald, head of one of the most famous music houses in these United States of America, brought to New Orleans the Chicago Civic Opera troupe for a very short but brilliant season in which Mary Garden and Tito Schipa were heard in the *Jongleur de Notre Dame*, Massenet's delightful and poetical opera, and *Lucia di Lamermoor*. Robert Ringling was likewise heard on that oc-

casion, and Lelia Haller, daughter of Paul Haller, who heads the ballet of the New Orleans Opera House Association presently, danced in the productions.

Benedict M. Grunewald was likewise responsible for the appearance here in brief season engagements of the San Carlo Opera Company, headed by Fortune Gallo. In 1935 and 1936, at the Auditorium, the San Carlo Opera Company was heard in *Aida*, *Faust*, *Carmen*, *La Boheme*, *Madame Butterfly*, *Cavalleria Rusticana*, *I Pagliacci*, *Il Trovatore*, *La Tosca* and *Rigoletto*. These performances were held under the auspices of the New Orleans Grand Opera Association, of which Mr. Grunewald was president.

In 1935 Grand Opera was presented by the New Orleans Civic Opera Association, under the management of Fortune Gallo, at the Tulane Theatre. Mr. Grunewald also brought to New Orleans in 1937 the Salzburg Opera Guild, which gave several performances of great artistic worth but with very little response from the public. The Fortune Gallo venture was sponsored financially by Philip Werlein Company, Limited, a bastion in our musical history.

These sporadic efforts were crowned by three short but glorious seasons of the immortal MET (The Metropolitan Opera Association), sponsored again by the indefatigable and music-loving Benedict M. Grunewald at the Auditorium. In 1939, 1940 and 1941 opera-hungry New Orleanians were given a chance to hear the greatest stars of the MET in their French, Italian and German repertory. We can never forget the performances of *Aida*, *La Boheme*, *Carmen*, *Lohengrin*, *Tosca*, *Rigoletto*, *Tannhauser*, *Faust*, *Madame Butterfly*, *Manon*, *I Pagliacci*, *Cavalleria Rusticana*, in which we applauded with real New Orleans fervor such great stars as Melchior, Ezio Pinza, Lawrence Tibbett, Grace Moore, Bruna Castagna, Giovanni Martinelli, Nino Martini, Helen Jepson, Lily Pons, Richard Crooks, Charles Kullman, Richard Bonelli, Paul Althouse, Raoul Jobin and others.

The vast audiences that filled to capacity the Auditorium manifestly indicated that New Orleans was opera hungry, that New Orleans, the pioneer musical center of North America, was anxious that grand opera should return to its shores in the shape of a homogeneous aggregation that would play, as of yore, during several weeks, the masterpieces of the French, Italian and German

schools, as well as those that were penned and composed by the genial musicians of Belgium, of Great Britain, and of the other European musical centers.

Within the last three years the New Orleans Opera House Association, headed by the never-to-be-denied Walter Loubat, has given to this city open-air and indoor performances of Grand Opera of an undeniable merit. We need a home for our new operatic productions, and that home must be a resurrection, architecturally and otherwise, of the old-time and never-to-be-forgotten French Opera House, standing again at the corner of Bourbon and Toulouse streets, as a guiding light, a beacon of operatic endeavor and New Orleans musical fervor. We are about to reach such a goal. EN AVANT!

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THE LIFE AND PUBLIC SERVICE OF E. JOHN ELLIS*

By ROBERT CINNAMOND TUCKER

CHAPTER I

ANTECEDENTS AND EARLY LIFE

When John and Sarah Ellis moved their family westward from Georgia near the end of the first decade of the nineteenth century, they settled in the frontier country near Franklin, Louisiana. It was here, with little chance of formal schooling, that their youngest child, Ezekiel Parke Ellis, was reared; here that he became a faithful member of the Methodist church; and here that in 1831, he married Tabitha Emily Warner, youngest daughter of Probate Judge Thomas C. Warner,¹ who had served under General Andrew Jackson as colonel of militia in the Battle of New Orleans.² Soon after their marriage, the young couple moved to Covington, Louisiana, where Mr. Ellis became recorder of deeds and clerk of the probate and district courts. In his spare time, he studied law, and in 1837 was admitted to the bar and began the practice of his profession.³

On November 26, 1836, their eldest son was born,⁴ and was named for his maternal grandfather, Thomas Cargill Warner Ellis. Almost four years later, on October 15, 1840, their second son, the subject of this monograph, was born.⁵ Doubtless his first few years were like those of any infant, at any rate we know that he was not immune to sickness,⁶ though apparently he escaped the more serious illnesses to which children of that age were subjected. His father was a member of the state House of Representatives during the year 1841,⁷ and wanted his wife and family to spend the winter in New Orleans with him, but was unable to obtain a house.⁸ The following year Mr. Ellis purchased, in Covington, a square of land, with buildings and improvements, for

* Master's thesis in History, Louisiana State University, 1941.

¹ A clipping from the New Orleans *Christian Advocate*, Sept. 17, 1885, in the Vertical File of the Louisiana Room, Louisiana State University Library.

² Speech of Carleton Hunt, Jan. 5, 1914, in *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 9.

³ New Orleans *Christian Advocate*, Sept. 17, 1885.

⁴ *Who's Who in America*, 1908-1909, 578.

⁵ From the Ellis family record in the family Bible, in the possession of Mrs. C. B. Grant, Amite, Louisiana.

⁶ Letter of Mrs. E. P. Ellis to her husband, Jan. 18, 1841.

⁷ E. P. Ellis to his wife, Feb. 3 and 7, 1841.

⁸ Mrs. E. P. Ellis to her husband, Jan. 8, 1841.

\$1,800 from the Union Bank of Louisiana, paying \$512.50 in cash, and giving two notes for the balance.⁹ He held this property for many years. As court sessions were held, he moved from county seat to county seat, sometimes taking cases in southern Mississippi counties. On one occasion he wrote that the court term at Greensburg had been quiet, with few drunks; the town had a Temperance Society "which is doing good I think from present appearances."¹⁰

In 1845, the Ellis family moved to Clinton, Louisiana,¹¹ where the boys could more easily take advantage of the educational facilities offered by Centenary College in nearby Jackson, Louisiana.¹² After the establishment of Silliman Female Collegiate Institute in Clinton in 1852,¹³ the girls received their education there. Mr. Ellis bought a small farm in the country, which was worked by his slaves, while he continued his itinerant career as a country lawyer, directing his farming operations when at home and his wife attending to these matters in his absence.¹⁴

John's education followed very closely that of his brother Thomas. Both attended the academy conducted by Thomas Fearn Jones in Clinton, and went from there to Centenary College, Thomas graduating with class honors in 1855. John wrote to a friend that he would attend college the next year and wanted Tom to teach him the ways of freshmen.¹⁵

During his first session at Centenary, John boarded in a private home in Jackson. He reported to his family that the boys who boarded there had eggs once a day and chicken twice a week. He had ceased complaining about his fellow boarders for "all the grabbers are gone except one or two and they sit down at the other end."¹⁶

Since Thomas had been a member of the Union Literary Society while in college, his brother followed suit.¹⁷ In March of 1856, the new members of the society were "instructed to write three of their friends, asking for a contribution for the society to equip its new hall,"¹⁸ so John asked his parents to assist "as

⁹ Copy of a bill of sale, or deed, dated Feb. 19, 1842.

¹⁰ E. P. Ellis to his wife, May 21, 1842.

¹¹ New Orleans *Christian Advocate*, Sept. 17, 1885.

¹² Interview with Miss Sarah Ellis, of Amite, La., Dec. 30, 1939.

¹³ Varnado, Otto Stanley, *A History of the Early Institutions of Higher Learning in Louisiana*, 57. This is a manuscript Louisiana State University master's thesis.

¹⁴ Interview with Miss Sarah Ellis.

¹⁵ E. J. Ellis to "Pet", Aug. 20, 1855.

¹⁶ E. J. Ellis to his parents, March 16, 1856.

¹⁷ Francis Lobrano to T. C. W. Ellis, Jan. 30, 1856.

¹⁸ It was during this year that construction was begun on the large brick administration building at Jackson, which was razed a few years ago.

you are the best friend I have got," assuring them that "you will have the warmest thanks of all those young men who fight under the union banner for Literary fame."¹⁹

The school year ended on July 30, with a gala commencement, which Thomas attended for the purpose of seeing old friends and taking John home. The corner stone of the "centre building" was laid, at which time Rev. C. K. Marshall delivered an address. "The College exhibitions were good, the music very fine, the audience large and attentive. . . . After the exercises were over there was a grand concert and also two balls in town."²⁰

A large part of the summer vacation was doubtless spent in hunting and fishing. "Young Ellis was fond of gun and rod. He was well acquainted with the hunting grounds available to him. He knew the fields far and near . . . and he sounded the depths of the streams with the sinker of his hook and line."²¹ But a serious bout with malaria in August and September prevented as active an interest in the political campaign of that fall as he probably would have liked to manifest.²² The boy's father had been an ardent Whig as long as that party had an effective organization, and had now cast his lot with the American party, or "Know Nothings." Despite his youth, Thomas had been drafted by the American Executive Committee of East Feliciana parish to take the stump in behalf of Fillmore and Donelson.²³ He called a barbecue he attended in Jackson on September 13, 1856, "the grandest affair I have ever attended. The procession was two miles long—and besides it, 840 carriages entered town from the same direction. The crowd was estimated at 5000 persons. We had two bands of music—banners and flags in profusion—two cannons. . . . We had four of the best speeches I have ever heard. 'Meat and bread in great profusion,' and cakes, candles, ice cream, *ladies* and other sweet things in abundance." A similar meeting at Amite Station a few days later drew a crowd of about 1,500 or 2,000. Thomas confessed that he might be getting rather deep in politics but saw no harm in it. "I think the destiny of this glorious American Union is to be decided by the present election. I know that the Democratic party is a sectional Southern

¹⁹ E. J. Ellis to his parents, March 16, 1856.

²⁰ T. C. W. Ellis to Martena V. Hamilton, July 31, 1856.

²¹ Speech of Carleton Hunt, Jan. 5, 1914, in *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 9-10.

²² T. C. W. Ellis to Martena V. Hamilton, Sept. 3 and 20, 1856.

²³ *Ibid.*, July 28, 1856. A handbill dated "Clinton, Sept. 22, 1856" announced eleven political addresses to be delivered by T. C. W. Ellis and D. C. Morgan between Oct. 11 and 23, in towns as far away as Madisonville, in St. Tammany parish.

party. I know that the Republican party is a sectional Northern party. I know that the American party is for the union of these states with no North, no South, no East, no West but the whole country one and indivisible. I am sincere in these convictions, and being so, I must confess that I do feel a great interest in the success of its candidate. I know that I differ with some of my best friends, but I am honest in my opinions."²⁴

John had recovered from his illness by the time he was due to report for his second year at college. He left home on October 6. This year he had a room in one of the dormitory buildings, again rooming with his friend, Bolivar Edwards.²⁵ His first few letters were almost devoid of school affairs, dealing chiefly with the health of the college community and the town of Jackson, and asking for news of politics in Clinton and his brother's speaking tour. As was true during his first year,²⁶ Latin still came easily to him, and mathematics was still hard. In declamation and composition he scored "perfect," foreshadowing his great career as an orator and debater, and his deportment was listed as "good."²⁷ This year there was no complaint of "grabbers" at the table; the complaint was just as modern, though of another type. Measles had invaded the school during the second semester, but by May 11, he could report to his brother that all had recovered.

But Tom there is another kind of sickness here that is worse than measles. Tis a mania for drinking whiskey that I have seen carried to such an extent before. Every night there is from ten to twelve boys as tight as they can well be.

This is confined however to the new building and I am proud to say that there is not a boy over here who is in the habit of getting "how come you so" with one exception & that is Bill Scott. He however confines his sprees to the other building entirely.²⁸

Thomas again attended the commencement exercises, which offered enough excitement to make him sick. The new building, for which the cornerstone had been laid the previous year, was

²⁴ T. C. W. Ellis to Martena V. Hamilton, Sept. 20, 1856. This letter is quoted in part because these statements reflect the opinions of his father, and John's political views almost invariably coincided with those of his father and older brother.

²⁵ E. J. Ellis to his mother, Oct. 28, 1856.

²⁶ E. J. Ellis to his parents, March 16, 1856.

²⁷ Report card of E. J. Ellis, dated Feb. 17, 1857, signed by John C. Miller, President. The reverse of the card states that "Every student whose parent or guardian does not reside in the town of Jackson, or its immediate vicinity, shall have an academical guardian nominated by himself, with the consent of his parents or legal guardian" whose duty it will be to look after the student's expenditures. Strict economy as to spending money was recommended.

²⁸ E. J. Ellis to T. C. W. Ellis, May 11, 1857.

dedicated and he was "pleased with the dedicatory address of Bishop Pierce & the speech of the Hon. Harry T. Hays to the Societies."²⁹

The summer of 1857 witnessed the perennial interest in politics,³⁰ and the always-welcome visits to relatives in Washington parish. While John was visiting his uncle near Franklin-ton, he witnessed the marriage of his brother Thomas to Miss Martena Hamilton of that place, to whom he had been engaged for some time.³¹

The school year of 1857-58 proved to be John's last at Centenary, for he did not complete the academic course there. His father had determined to leave Clinton, and John stayed at home to assist in moving the large family. Though there was a railroad running from Clinton to Port Hudson,³² giving the town a dependable connection with the traffic of the Mississippi river, Mr. Ellis had decided to establish his family on the New Orleans, Jackson, and Great Northern railroad which had been built northward from New Orleans, supplying transportation for the great area lying between lakes Maurepas and Pontchartrain and Jackson, Mississippi. By the end of January, 1858, Mr. Ellis had begun negotiations through his son Thomas, who had preceded his father to that place, to acquire property in Amite, in the eastern part of St. Helena parish, despite the high prices asked by land speculators.³³ However, it was near the end of that year before a farm was bought and the major portion of the moving was accomplished,³⁴ and it was not until the spring of 1860 that the remnants of the livestock, etc., were brought to the new home.³⁵

In the fall of 1860, John once more followed in the footsteps of his older brother,³⁶ and attended the law department of the University of Louisiana, now Tulane University. On November 10 he and his friend Bolivar Edwards reached New Orleans; on the morning of the 12th he and about forty others—six of whom had attended Centenary—matriculated at Mr. Randall Hunt's

²⁹ T. C. W. Ellis to Martena V. Hamilton, July 31, 1857.

³⁰ *Ibid.*; E. P. Ellis to his wife, Aug. 7, 1857.

³¹ Stephen Ellis to his brother, E. P. Ellis, Oct. 19, 1857.

³² T. C. W. Ellis to his parents, Nov. 10, 1856.

³³ T. C. W. Ellis to E. J. Ellis, Jan. 26, 1858.

³⁴ E. J. Ellis to his mother, Dec. 22, 1858.

³⁵ *Ibid.*, May 16, 1860. In this letter, he reported that he had "gone up to the old place today. The house is fast rotting down."

³⁶ T. C. W. Ellis' card of admission to law classes, University of Louisiana, session of 1856-57.

office; and on the same evening they heard their first lecture on civil law, which was delivered by Professor Christian Roselius and lasted for two hours.³⁷ After hearing all the professors lecture, he decided that Judge Theodore McCaleb, who taught admiralty and international law, was the best, though Randall Hunt had the best appearance.³⁸

It took only a short time for him to acquire a routine. "We spend our mornings in our rooms, reading. Breakfast at 8½—dine at 3½—Go to lecture at 4½, get back about 7, eat at 9 & go to bed about 11. Adolphus³⁹ & I practice together, he on the piano & I on the violin. I find it pretty easy to keep up with the lecture."⁴⁰ By the end of November, however, he held a different opinion of the lectures. "I tell you Ma it is really discouraging to a student to listen to the programme which these professors of the law school lay down as the read[ing] which every student ought to go over in order to get 'upstairs' as Webster called it. I wish to be a good lawyer, but the road to such a distinction is a thorny one & I sometimes feel like quitting & going into some business which will pay sooner. But then I think *others* have succeeded & why not I?"⁴¹

It was hard to return to the grind of study after spending a welcome Christmas holiday at home, and the studying ceased only on Sundays, at which time John visited his friends in the city, and attended church services. However, social engagements continued to claim a share of his time, and he occasionally escorted young ladies to the opera,⁴² and took time to view the Mardi Gras parade of the "Mistic Krewe of Comus," which, he announced, "was a splendid thing."⁴³

At the end of January, "the students elected a valedictorian. . . . Their choice is the best that could have been made—viz. Mr. Lewis L. Conrad, son of Chas. M. Conrad."⁴⁴ With political matters to preoccupy the students, the school year rapidly drew to a close, and on March 31, 1861, the law class of that year was graduated.⁴⁵

³⁷ E. J. Ellis to his mother, Nov. 12, 1860.

³⁸ *Ibid.*, Nov. 16, 1860.

³⁹ Adolphus Evans. Ellis appears to have had lodgings in the home of Mr. O. E. Evans.

⁴⁰ E. J. Ellis to his mother, Nov. 16, 1860.

⁴¹ *Ibid.*, Nov. 31, 1860.

⁴² *Ibid.*, Feb. 7, 1861.

⁴³ E. J. Ellis to his father, Feb. 16, 1861.

⁴⁴ E. J. Ellis to his mother, Feb. 1, (1861).

⁴⁵ Copy of a Diary Kept by E. John Ellis . . . while a Prisoner of War on Johnson's Island in Lake Erie, Ohio, 2. The writer used a typewritten copy of the original in the possession of Mrs. C. B. Grant, Amite, La., the original being in the possession of Mr. E. J. Ellis' daughter, Mrs. J. L. Emerson, of Titusville, Penna. Cited hereafter as E. J. Ellis' prison diary.

Political distractions had been unusually great all during the time that John attended law school, for the session began during the bitter campaign of 1860 and ended while troops were being mobilized for the Civil War. Though he was too young to vote, John nevertheless took a great interest in the presidential campaign and was an enthusiastic supporter of the Bell and Everett ticket, for he believed that Bell was the man to preserve the Union.⁴⁶ In July of 1860 a "Bell and Everett Union Club" was formed in Amite, with T. C. W. Ellis as secretary, and John and his father as members.⁴⁷ In September, John, his mother, and his sisters Margaret and Ellen made a visit to Clinton, where there was as much interest in the campaign as there was in Amite. On the night of September 21, John and a friend of his attended the meeting of the Clinton Bell and Everett Club, where he was called on to speak. This first venture as a political speaker was not a success; he wrote to his sister Mary that "I tried to speak but after floundering about, stammering and stuttering about 15 or 20 minutes I sat down to the relief of everyone." The club members, however, were anxious to hear Thomas speak "on the Union question."⁴⁸

By the time election day arrived, John was already in New Orleans to attend the law school. His pleasure over the Bell and Everett victory in New Orleans was undoubtedly dampened by Breckinridge's victory in St. Helena and the state as a whole.⁴⁹ A letter of November 12, to his mother, reported that Senator Douglas was in New Orleans, and he intended to hear him when he addressed the people of New Orleans in an attempt to conciliate the disunion sentiment. The same letter said that Breckinridge would prove to be the successful candidate, and that "disunion is rife."⁵⁰

The election of Lincoln called forth demonstrations of the secessionists in New Orleans to such an extent that many almost lost sight of the fact that there were those who still would like to preserve the Union.

I was under the impression that New Orleans would be Disunion but now I think the boot is on the other foot. The Union men are to have a meeting shortly & from what I hear

⁴⁶ E. J. Ellis' prison diary, 1.

⁴⁷ Constitution and roll of the Bell and Everett Union Club [of Amite, La.] Adopted in July, 1860.

⁴⁸ E. J. Ellis to Mary E. Ellis, Sept. 22, 1860.

⁴⁹ Caskey, Willie Malvin, *Secession and Restoration of Louisiana*, map no. 1.

⁵⁰ E. J. Ellis to his mother, Nov. 12, 1860.

will be a mammoth assemblage. . . . If I could see any benefit which would accrue to the South from a dissolution of the Union, then I would not be so much opposed to it, but it is in my opinion the worst thing the South could do. It is a dangerous experiment which I for one do not wish to try.

A strong Democratic partisan, in speaking to John, criticised John's father for his "ingratitude to the democratic party," saying that he ought to have remained silent in the campaign if he could not support Breckinridge. John replied that he entirely approved of his father's conduct and "that though I deprecated the present state of affairs as much as any one could, that to me there was in it the sublime consolation, that the democratic party had ceased to exist & this to some degree mitigated the terrors of impending peril."⁵¹

When New Orleans voted for secession in the election for members of the constitutional convention, which the legislature had called, John compared it to Nero firing his own city and then dancing amid the blazes. He began to despair.

God only knows where these difficulties are to end. I do not look for relief from the present Congress. There are a few patriots there; very few. . . . I never saw such anxiety and alarm in my life as there is here. For myself I confess that all is gone except hope. I can see nothing before us but a long bloody war. I do not doubt the chivalry of Southern men, but reason & common sense forces the conviction upon me that in a conflict between the sections the North would overmatch us. I would not tell them this. If it comes to the worst, as Southerners we must fight to the last man. But I ardently hope that those who have brought this calamity upon us, who have misrepresented & wronged the respective sections may have the brunt of the shock to bear & meet the fate they so richly deserve.⁵²

Despite his strong love of the Union and his premonition of impending defeat of the southern forces, John could not stand by and watch his home threatened by armed forces which had been called out by President Lincoln, so shortly after his graduation from law school, he offered his services to the State of Louisiana.⁵³

⁵¹ E. J. Ellis to T. C. W. Ellis, Dec. 15, 1860.

⁵² E. J. Ellis to his father, Jan. 10, [1861].

⁵³ E. J. Ellis' prison diary, 3.

CHAPTER II

LIFE AS A CONFEDERATE SOLDIER

After an abortive attempt at military service, Ellis finally succeeded in enlisting in a company being organized by Captain D. W. Thompson at "the old Methodist Camp ground near Greensburg," and it was there that he first went into camp. On August 19, 1861, Captain Thompson's company was mustered into the service of the state of Louisiana, and Ellis was elected Assistant First Lieutenant.¹ More than a month later, on September 29, the company entered the service of the Confederate States, and became Company F of the Sixteenth Louisiana Regiment of Infantry organized at Camp Moore, Louisiana,² under Brigadier General Tracy. Other officers of the regiment were Colonel Preston Pond, Jr., Lieutenant Colonel E. Mason, and Major Daniel Gober.³

Life at Camp Moore largely reflected the un-military atmosphere of the early Confederate establishments. The troops elected their own officers, with the result that many of them possessed popularity as their only qualification. Ellis shortly found himself left in charge of his company while his Captain visited New Orleans, and he found it a great responsibility to one "so young and green."⁴ As was true of many of the Southerners who could afford it, he had one of his father's Negro slaves, Stewart, at the camp to cook for him and some of his friends and to attend to other menial tasks. Drilling took up five hours of the soldiers' day, which lasted from four in the morning until nine at night, making a servant a most welcome possession.⁵

During the early days of Camp Moore, sickness constituted the major problem of the officials. Ellis usually reported in letters to his family that there was little or no sickness in his company, but he usually had to report a number of funerals in the camp, at least once every two or three days.⁶ Measles was the cause of most of the deaths, and by the end of October, the

¹ E. J. Ellis' prison diary, 3.

² Louisiana, Commissioner of Military Records, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands . . .*, II, 769. This company took the name of "St. Helena Rebels." E. J. Ellis to his mother, Oct. 3, 1861. Camp Moore was located on the east side of New Orleans, Jackson, and Great Northern railroad, approximately one quarter of a mile north of the present town of Tangipahoa, La.

³ E. J. Ellis' prison diary, 8.

⁴ E. J. Ellis to his mother, Sept. 15, 1861.

⁵ *Ibid.*, Oct. 3, 1861.

⁶ *Ibid.*

epidemic seemed to have reached its height, with seven funerals in one day.⁷

Rumors began, at an early date, to predict the next move of the armed forces, but it was seldom that they proved to have any foundation. The Sixteenth Louisiana wavered between the hope that they would soon move into active duty and the fear that they would remain in camp all winter. The fear of an attack on New Orleans had kept them from being sent to another part of the Confederacy, but it was not until near the first of December that the regiment was ordered to entrain for Camp Chalmette, near New Orleans. After waiting most of the night for the train to arrive, the troops got aboard, and reached New Orleans at two o'clock in the afternoon, where they formed to march out to the camp ground on the site of the Battle of New Orleans. Out of sixty-four men in Company F, none of whom had had food or sleep for almost twenty-four hours, only forty were able to make the trip, the remainder being picked up by the baggage wagons and brought into camp.⁸

Approximately one month later, on January 3, 1862,⁹ Ellis reported the removal of his regiment from Camp Chalmette, to Camp Benjamin, on the Pontchartrain railroad, in Gentilly.¹⁰ Apparently there was not a great deal to do at Camp Benjamin, for most of his letters from that place are filled with his ideas and thoughts of the war. An anti-Semitic feeling soon manifested itself in the new camp, and the soldiers asked their families to address their letters to them at "Camp Benjamin, alias Camp Jewrusalem." The general belief that the Jews were getting control of the Confederacy caused feeling to run so high that there was some talk of a revolution after the war was over to rid the government of their influence. However, Ellis' own feelings ran equally high when he wrote of the Democratic party:

I am in, am willing to enlist and fight till the foul monster Democracy shall cease to exist. If the sanctity of our homes and friends were left out of this quarrel, like the immortal Cass I would break my sword over a stump and retire to Private life. To me abolitionism is not more odious than Democracy.

⁷ E. J. Ellis to Mrs. T. C. W. Ellis, Oct. 16, 1861. The old site of the camp is marked by a Confederate soldier monument and one hundred uniform marble head stones placed as cenotaphs, as the actual location of the graves, and their number, is unknown.

⁸ E. J. Ellis to his father, Dec. 3, 1861.

⁹ E. J. Ellis to his mother, Jan. 5, [1862].

¹⁰ E. J. Ellis' prison diary, 13.

And at this early date, his optimism regarding the speedy termination of the war revealed itself,¹¹ a feeling which he clung to until a time when even the most hopeful had begun to despair.

After another sojourn of twelve days at Camp Chalmette on detached duty, Ellis and the rest of his regiment were ordered to their first active duty. He had written to his mother from Camp Chalmette that he would be home on February 1, "perhaps as a soldier perhaps as a citizen," for the commanding officer, General Ruggles, had refused him leave, and he confessed that he had found out what it was to have a master and he did not like it.¹² However, he did not act on his statement, for it was not until February 12, that he received a leave of absence for thirty-six hours. The morning after reaching home, he was ordered to rejoin his regiment, which had been ordered to Corinth, Mississippi.¹³ Returning to New Orleans, he left there to return to Amite on the 17th for what proved to be his last visit before the end of the war, and departed for Corinth from that place on the 18th, reaching his destination at three o'clock on the morning of February 20, 1862.

Corinth remained one of the darkest spots in the whole war for Ellis. At his first meal there the food was bad,¹⁴ and it became worse before the campaign was over. Within a short time he took sick with malaria,¹⁵ and later became afflicted with a rheumatic infection of the right leg which kept him an invalid until the time of the Battle of Shiloh.¹⁶ Many soldiers had the mumps, and at times one half of the regiment was unfit for duty from one cause or another.¹⁷

During the uncomfortable month of March, John's letters home were full of indignation against both the weak-kneed Southerners and Yankee "bigots."¹⁸ His opinion of the troops gathered around Corinth was that the Louisiana and Alabama troops were the best equipped, the Texas and Arkansas troops the roughest and most formidable looking, and the Tennesseans "the finest specimens of manhood," though the latter were very

¹¹ E. J. Ellis to his father, Jan. 9, 1862.

¹² E. J. Ellis to his mother, Jan. 20, 1862.

¹³ E. J. Ellis' prison diary, 14.

¹⁴ *Ibid.*, 15.

¹⁵ E. J. Ellis to his sister, March 18, 1862.

¹⁶ E. J. Ellis' prison diary.

¹⁷ E. J. Ellis to his sister, March 18, 1862.

¹⁸ E. J. Ellis to his mother, March 11, 1862; to his father, March 28, 1862.

poorly equipped, two regiments being practically unarmed.¹⁹ Most of his letters urged his family not to worry about him if there should be a battle, for if anything happened to him, they would be informed, and silence would mean that he was all right.

From the time John reached Corinth, the enemy was not far away to the north. He reported that on the 18th the enemy was only twelve to fourteen miles away, and that the pickets fired at each other each night, though no serious fighting had taken place so far. He thought the Confederate strategy was to let the Federals get "some distance from their gun boats and then we will learn them a trick." He was firmly convinced that the Confederate troops would again emerge victorious.²⁰ By the 28th he expected a battle to take place soon, in which the Southerners would not yield, and in Virginia the Yankees would be defeated, in Missouri they would be held in check, the "Virginia" and similar gunboats being fitted out would destroy the blockading fleet, "and the yellow fever will guard the Southern coast."²¹

On the last day of March, John had the pleasure of welcoming his seventeen-year-old brother, Stephen, to Corinth, where he enlisted in John's company.²² Three days later, Thursday, April 3, they were ordered to prepare enough food to last five days, and at four that afternoon they marched seven miles northward. That night, Stephen was put on guard duty the first time.²³ John was not well enough to do much walking, so rode most of the way in an ambulance; he would not remain behind when his brother went into battle.²⁴ Friday the troops marched fifteen miles farther and camped within two miles of the enemy. Stephen gives no report as to his activities on Saturday April 5, but

Sunday morning our pickets & theirs got to fighting & thus the great battle of Shiloh commenced. We were ordered over there & we fooled around for five or six hours, before we got to see a Yankee, although the battle was raging not more than half a mile from us, but when we did get into it I tell you they made us fight a while before they let us quit. On Monday I fought for three hours right straight ahead without stopping to blow. I shot 28 times and I think I must have killed at least fourteen Yankees.²⁵

¹⁹ E. J. Ellis to his sister, March 18, 1862.

²⁰ *Ibid.*

²¹ E. J. Ellis to his father, March 28, 1862. In this letter he reported that anyone enlisting after April 1 would do so for the "term of the war."

²² From the enlistment paper in the possession of Mrs. C. B. Grant, Amite, La.; S. D. Ellis to his mother, April 11, 1862.

²³ S. D. Ellis to his mother, April 11, 1862.

²⁴ E. J. Ellis to his sister, April 3, 1862; his prison diary, 16.

²⁵ S. D. Ellis to his mother, April 11, 1862. A brief account of the battle may be found in the *Dictionary of American History*, V, 71. For a fuller account, see *Battles and Leaders of the Civil War*, I, 465-610.

During the remainder of the month of April and most of May, there was little activity, and rumors began to fly back and forth once more, but no two were alike.²⁶ The first few days after Shiloh, rumor optimistically reported that the Yankees had got enough and were preparing to leave the Tennessee river. However, John did not allow his optimism to blind him to the true seriousness of the situation: "The darkest days are now upon us. The times are perilous and the weight of Southern liberty seems trembling in the balance." Nevertheless he still hoped that the major part of the fighting would be over by the end of summer.²⁷ Sickness added to the discomforts of inadequate food and water, the whole regiment being sick at times. By April 27, rumors had reached the troops at Corinth that New Orleans had fallen, but the Louisiana troops were loath to believe it. By the 29th, the news had been confirmed, and John laid the blame on the administration for not having gunboats built to meet the invasion. He still did not despair of ultimate victory, though he feared the fighting would continue for another two or three years.²⁸

One action of importance to John that took place during the days of inactivity at Corinth was the reorganization of the Sixteenth Louisiana Regiment of Infantry. He reported to his mother on May 13 that the reorganization had been thorough, with new company officers elected in all of the twelve-month companies and new field officers, also. Thompson declined to be reelected as he felt compelled to return home to look after his own and his brother's families, so the captaincy fell upon John. "This is very unexpected to me. It makes me Captain of the Company, an honor that I never coveted and would gladly decline. But I will be forced to accept it."²⁹ At the same time the new Confederate conscription law became effective, with the result that Stephen would be able to leave the service on July 16, three months after passage of the law.³⁰

As events actually transpired, Stephen left the regiment more than a month earlier than was expected, for orders were given to evacuate Corinth, and John sent his brother to a hospital at Clinton, Mississippi, with instructions to proceed home from there as soon as possible, for he was still not well and was taking

²⁶ S. D. Ellis to his parents, May 7, 1862.

²⁷ E. J. Ellis to his father, April 13, 1862.

²⁸ *Ibid.*, April 27, and to his mother, April 29, 1862.

²⁹ E. J. Ellis to his mother, May 13, 1862.

³⁰ S. D. Ellis to his sister, May 14, 1862.

the jaundice.³¹ John felt that the evacuation was the right thing to do, "because Beauregard, Bragg & Brice were all there & they approved & sanctioned it. This is the feeling of the entire army."

On May 27 the baggage began moving south, and by the night of the 29th, all of the troops had left except those under command of Polk, and the Sixteenth Louisiana. On that night campfires were built as usual in order to deceive the enemy, and at midnight the rear guard began to move, marching until 3:30 on the morning of the 30th, when they were allowed to sleep for one hour, after which they continued the march until two p.m. on May 31, at which time John's regiment bivouaced on Clear Creek near Guntown, Mississippi, then in Tippah county, thirty miles below Corinth.³²

When the withdrawal began, John was not well, but his health improved during the march. He reported that the soldiers suffered from heat and thirst; the dust was bad and the water scarce, but they ate and slept well.³³ On the march, they had seen a great bonfire made up of 1200 to 1500 bales of cotton which were being burned to prevent their falling into the hands of the enemy, and at night they could see the fires of others burning.³⁴ The bad effect of the evacuation on morale was somewhat offset by the belief that Beauregard had displayed great skill in carrying it out, and that the enemy was weakened by being forced to operate farther from his base.³⁵

Leaving the bivouac at Clear Creek on June 7, John and the thirty men that remained in his company marched to a new campground near Tupelo, where they were destined to remain for approximately two months.³⁶ Despite a total lack of tents, the camp was more pleasant and healthy than the previous one had been, for the locality was good, water was plentiful, and the nearest enemy forces were sixty miles away at Corinth.³⁷

Affairs moved slowly at Tupelo, for we find John once more writing chiefly of everyday happenings, and saying little of military affairs, though one reason for this was that troops earlier

³¹ That Stephen soon reached home is evidenced by the fact that he and his brother Thomas wrote John a letter dated at Amite, May 28. E. J. Ellis to his father, June 17, 1862.

³² E. J. Ellis to his father, June 2, 1862.

³³ *Ibid.*

³⁴ *Ibid.*, June 17, 1862.

³⁵ *Ibid.*, June 2, 1862.

³⁶ E. J. Ellis to his mother, June 9, 1862.

³⁷ E. J. Ellis to his father, June 17, 1862. Tupelo at that time was in Pontotoc county, but the bivouac was just across the county line in Itawamba.

had been asked to give no details of the army's movements.³⁸ The trying days John had been through since Camp Moore had taught him patience, and made him philosophical concerning his many hardships.

When I see dirt in my victuals, I take it out and eat on. If I taste it, I swallow and eat on. If my coffee is not strong, I thank the Lord that it is as strong as it is & drink it. If my bed is hard and my head not high enough I content myself with the idea that it might be worse and go to sleep. But soldiers generally like to make out that they have a terribly hard time. Well Ma I think I have seen the dark side of soldiering and although it is tolerably hard, yet there ain't any use of calling it intolerable, or of friends at home holding up their hands in horror at the "hardships." Soldiers generally get plenty to eat & clothes enough and are not over tasked [,] not . . . in one case out of a hundred.³⁹

However, John's army diet was frequently supplemented by baskets from home, which often included shoes and other clothing, also.⁴⁰ One of these was delivered to him at Tupelo by his father.⁴¹

Hopes that the war would soon be over continued to ebb and flow, with the opinion expressed more and more often that the end was not in sight, though there could be no doubt of a successful outcome. "But if it does not end by the 1st of November then indeed it will be terrible, then upon the book of time will appear a picture which would make the assassin shudder & which I have not the power to describe, nor the inclination to foreshadow here. But I will trust in God that this may be averted and I believe it will." Nor was there any abatement of his feeling toward those ardent secessionists who had fled before the conqueror: "Oh! Secession your former opponents are your life guards now, and they who did not wish to see you a queen are now upholding with their dead bodies your throne. And they who nursed your infancy and first whispered ambitious views into your ears where are they, when in the hour you are almost overcome in fight?—and not even echoes answer where."⁴² Outspoken criticisms of the military authorities became increasingly rare, though he still did not hesitate to speak of "that weak and imbecile President of ours."⁴³

³⁸ *Ibid.*, June 2, 1862.

³⁹ E. J. Ellis to his mother, June 9, 1862.

⁴⁰ *Ibid.*, May 13, 1862; to his sister, June 22, 1862.

⁴¹ E. J. Ellis to his sister, June 22, 1862.

⁴² *Ibid.*, June 22, 1862.

⁴³ E. J. Ellis to his father, June 17, 1862. In this letter he expresses anxiety about his family, as he had heard rumors of enemy cavalry operations around Amite.

Ellis belonged to that large group of Confederates who believed that cotton would play a large part in foreign affairs.⁴⁴ By July 29, his regiment had been ordered to a post near Chattanooga, and he had given up the idea of foreign intervention and was resigned to an exhausting fight of three or four years. "The best way to do is to prepare for the worst and hope & pray for the best."⁴⁵

Probably the last letter he wrote home before leaving Tupelo was addressed to his brother Stephen and Ellis Evans, who had gone to the Ellis home in Amite when it became apparent that his health was too poor to continue the campaign with the St. Helena Rebels. It was written in the form of a sermon, with the object of keeping them from rejoining the army because of patriotism, public opinion, or desire for more excitement. He described a day in camp in such harsh detail as to keep any but the most romantic from coveting the experience. Reveille aroused the soldier just before daybreak. If one was sick at roll call, he was told to report to a surgeon who had no interest in him. Following a breakfast—often prepared by himself—came two or three hours of drill, then "guard mounting, dinner, drill, inspection, roll call, retreat, supper tattoo and taps—and this is but the routine of camp and garrison life." Most officers regarded their privates as machines; in that respect Stephen and young Evans had been fortunate. They were spared "the guard duty, the fatigue duty, the exposure to cold, heat, rain & storm and worse than all to disease. Look at our company—21 have died of disease, 18 have become so unhealthy as to be discharged and only four have been killed in battle and two permanently disabled." Then follows a description of inadequate medical and hospital facilities and the callousness of surgeons, and the thirty mile retreat in a cold rain, which took only eleven hours. Of this whole story he says, "It is not colored at all."⁴⁶

After once more waiting all night for a train, the Sixteenth Louisiana Regiment left Tupelo on August 4 at 8 a.m. enroute to Mobile. The trip was through pleasant country to within one hundred miles of Mobile, and at every station the train was met by women with food and drink for the soldiers. Upon reaching Mobile at 10 a.m. on the 5th, the troops were marched from the

⁴⁴ *Ibid.*; to his sister, June 22, 1862.

⁴⁵ E. J. Ellis to his sister, July 29, 1862.

⁴⁶ E. J. Ellis to S. D. Ellis and Ellis Evans, Aug. 3, 1862. It might be noted that both rejoined the army at a later date.

depot to the wharf, where John found that the shipping facilities of New Orleans did not compare with those of the city he was then in. Here the rumor that the Second Louisiana Brigade of the Army of Mississippi, to which the Sixteenth Louisiana Regiment was attached, would be left at Mobile to protect that city in place of troops which had been sent to Virginia,⁴⁷ was definitely proved to be false. It rained hard until 2 p.m. and he then saw what he could of the city before leaving on the S. S. *Mary Wilson* in order to entrain again at Hall's Landing on the Tensas river.⁴⁸ Spending the night on the boat, the regiment reached the railroad terminus at 9 a.m. on the 6th, and traveled from there on the Mobile and Great Northern and Alabama and Florida railroads to Montgomery, which place was reached at two o'clock on the morning of August 8. During the day that he remained there, John did not visit the state capitol building, for he feared the atmosphere surrounding it left by Yancey's "plotting of twenty years." However, he was pleased with the beauty of the city, which had a population of between twelve and fourteen thousand.

August 8, at 8 a.m., the journey was continued via the Montgomery and West Point Railroad, changing at six that afternoon at West Point, Georgia, to the tracks of the Atlantic and West Point railroad. John reported that the crops in Georgia, his "grandmother state," were the best looking of any he had seen on the whole route. Atlanta, which he called the largest manufacturing town of the South and "of incalculable importance to the Confederacy," was reached at two in the morning. They stayed there for three hours, but John slept the whole time and failed to get so much as a glimpse of it. On the last lap of the journey, which followed the Western and Atlantic and Nashville and Chattanooga railroads, Marietta was the most pleasing stop, for there three hundred young ladies met the train, and John declared he did not see an ugly woman in Georgia!

At five o'clock on the afternoon of August 9, the train crossed into Tennessee, and, following the Tennessee river, soon reached Chattanooga. Six miles south of the city, the troops bivouaced as had become their custom, but John awoke with a return of the rheumatic inflammation of his right leg and a fever which lasted more than a week, during which time his slave, Stewart, nursed

⁴⁷ E. J. Ellis to his sister, July 29, 1862.

⁴⁸ E. J. Ellis to his mother, Aug. 10, 1862; his prison diary, 25. This landing more properly called Tensas Station, was approximately fifteen miles from Mobile. U. S. War Dept., *Atlas to Accompany the Official Records of the Union and Confederate Armies*, plate CXLVII.

him. By the time he recovered, his regiment was again under marching orders but unable to move because the wagons had not arrived from Tupelo. The people of the region he found to be honest, ignorant, and dressed in the fashions of forty years before.⁴⁹

To reach Chattanooga from Tupelo, a distance of less than two hundred miles by direct route, the troops had traveled more than eight hundred miles, on eight different railroads and one river, the entire journey requiring almost six days.

Following a stay near Chattanooga of less than a month, the troops to which Ellis was attached were ordered to begin the ill-fated Kentucky campaign.⁵⁰ On September 11, they crossed into Barren county, Kentucky, arriving at Glasgow on the 16th. From there the march led to Bardstown, which place was reached September 23 or 24, and there they rested for eight or ten days, during which time John attended a service at the cathedral there.⁵¹ Harrodsburg was reached on the evening of October 6, after a march of approximately four days, but at midnight the same day the forces fell back to Perryville.⁵² Here a "short but terrible battle" was fought on the 8th, but John's part in it was only that of a spectator, for he had been too sick to move up with his regiment. On the morning of the engagement, he began the twelve mile trip to the battlefield, and reached it a 2 p. m. but was unable to find his regiment before the fighting became general at 3 o'clock. From his vantage point, he could observe the entire action, which lasted until dark.

There was no cringing, no dodging. The men stood right straight up on the open field (there was no woods) loaded and fired, charged and fell back as deliberately as if on drill. The Yankees were whipped at every point and driven back three miles. Our troops held the field; slept on it that night and left it next morning at 9 o'clock as there was no sign of the enemy.

Of his company, only two were slightly wounded, but the regiment had lost one killed and fourteen wounded. Despite the good showing made at Perryville, the Kentucky campaign was a failure, for the Confederate forces began withdrawing at once.

⁴⁹ E. J. Ellis to his mother, Aug. 10, 1862. This is the last letter preserved in the Ellis collection for a period of approximately two months, and seems to be the last one written until Oct. 21, 1862.

⁵⁰ For a brief account of Bragg's campaign in Kentucky, see the *Dictionary of American History*, III, 205-206. *Battles and Leaders of the Civil War*, III, 1-61, gives a history of the entire campaign, including the Battle of Perryville.

⁵¹ E. J. Ellis' prison diary, 26.

⁵² *Ibid.*

"Our going up was like a rocket and our coming down like a stick." The return march continued without rest, and on half rations, "cooking at night, starting before day and working and marching all day. We made in the 8 days 157 miles [from Bryantsville, Kentucky, to Morristown, Tennessee], a little over 19 miles per day on an average. The biggest march made any one day was 29 miles and the least was 14. We have crossed six mountains, forded the Clinch, the Cumberland, the Powell and Holstein rivers...." On the second day out of Bryantsville, John's regiment had been detached from the brigade to work on the roads and remove obstructions so the trains of baggage and artillery could pass.⁵³ On October 18, they passed through Cumberland Gap, and two days later reached Morristown,⁵⁴ 47 miles farther south on the Tennessee and Virginia railroad, from which place John wrote his mother of the campaign. Though many of the Kentucky women were for the Confederacy, the men were unwilling to fight for Southern freedom. Ellis believed that Kentucky would cast her lot with the Confederacy when peace came, but for the time, "Kentucky is subjugated."⁵⁵

The next area of operation of the Sixteenth Louisiana was middle Tennessee. Toward the middle of November, after moving via Knoxville, Chattanooga, and Bridgeport,⁵⁶ the troops reached Allisonia, Tennessee, at which place T. C. W. Ellis visited his brother for four days.⁵⁷ Shortly thereafter they continued to Shelbyville, where a good camp was established on the Duck river, one half mile from town which was rather strongly Unionist and was showing the effects of the war. John thought he was settled for the winter, but as matters turned out, he was far from through campaigning for that year.⁵⁸

Rumors regarding the consolidation of the four regiments in the Second Louisiana Brigade—now comprising only fifteen or sixteen thousand men—so as to have only two regiments, materialized at Shelbyville. The Sixteenth and Twenty-fifth Louisiana Regiments of Infantry were reorganized into the Consolidated Sixteenth, composed of five companies.⁵⁹ At the same

⁵³ E. J. Ellis to his mother, Oct. 21, 1862.

⁵⁴ E. J. Ellis' prison diary, 28.

⁵⁵ E. J. Ellis to his mother, Oct. 21, 1862. Compare General Kirby Smith's statement: "The Kentuckians are slow and backward in rallying to our standard. Their hearts are evidently with us, but their blue-grass and fat-grass are against us." *Battles and Leaders of the Civil War*, III, 13.

⁵⁶ E. J. Ellis' prison diary, 28.

⁵⁷ T. C. W. Ellis and E. J. Ellis to their father, Nov. 22, 1862.

⁵⁸ E. J. Ellis to his father, Nov. 29, 1862.

⁵⁹ *Ibid.*; his prison diary, 29.

time all non-conscript soldiers were dismissed,⁶⁰ including John's brother Stephen, who was already at home on sick leave.⁶¹ John gave serious thought to getting out of the service, subject to recall, for he professed his inability to stand the meanness of Gober, who continued as colonel of the reorganized regiment. Moreover, he was thoroughly disgusted with General Bragg's policy of "entrenching and evacuating." "We do nothing in this department nor will the matter be mended as long as our poor partisan President keeps this miserable tyrant Bragg at the head of affairs." However, rumors that Joseph E. Johnston was slated to succeed Bragg did not please him, for his opinion of Johnston was equally poor.⁶²

Shortly after being reorganized, Ellis' regiment quit the camp at Shelbyville and in one day marched twenty-six miles to Eagleville. Though the camp there was good, on the day after Christmas the march was resumed toward Murfreesboro.⁶³ On the night of December 30 the Confederate troops had no fires for strategical reasons,⁶⁴ and on the next day a "great and terrible battle against tremendous odds" was begun.⁶⁵ The brigade to which Ellis was attached was ordered to storm a position from which three others had been repulsed. It was a high stony hill defended by Federal troops and swept by a battery of twelve Napoleon guns.⁶⁶

Forward we went & when within half a mile their artillery opened upon us. Their first shell struck one of my men . . . in the side, cut him literally in two and then bursted, killing another of my boys . . . They fell near each other and were dead in an instant. Steadily the ranks were closed up and on we went. Shells, grape & canister were showered upon us and Gods providence alone brought any of us out safe. We drove the Yankees from their first position and were driving them from the 2nd when the 13th La got into confusion and finally retreated. The 32nd Ala Regt unable to stand the terrific fire also gave way but the 16th stood firm and poured volley after volley into the enemy and finally retreated but not until Gen Adams had ordered us to retreat.

⁶⁰ E. J. Ellis' prison diary, 29.

⁶¹ John forwarded Stephen's discharge to him. E. J. Ellis to his father, Nov. 29, 1862.

⁶² E. J. Ellis to his father, Nov. 29, 1862.

⁶³ E. J. Ellis' prison diary, 30.

⁶⁴ *Ibid.*, 31.

⁶⁵ Apparently the Sixteenth Louisiana saw action on Dec. 31 only, though action continued for two more days. For a short account of the Battle of Murfreesboro, see the *Dictionary of American History*, IV, 46-47. For the entire middle Tennessee campaign, including this battle, see *Battles and Leaders of the Civil War*, III, 612.

⁶⁶ The Napoleon gun is "of medium weight and caliber," and was introduced in 1856 "to increase the power of the light and diminish the weight of the heavy field artillery." Farrow, Edward Samuel, *Farrow's Military Encyclopedia; a Dictionary of Military Knowledge . . .*, II, 401.

Though the engagement ended with the enemy in possession of the field, John tried to convince himself that the victory had been theirs, for they were supposed to have captured and paroled 5,700 men, not counting the wounded, 321 cannon, 6,000 stands of arms, 3,000 mules and harnesses, and 300 Negroes, and had destroyed 600 wagons. However, he could not get around the fact that the Confederate losses had been heavy, even heavier than those of the enemy. "On the night of the 31st (the day of the hard fight) I was walking over the field till after 12 o'clock looking for my own men and assisting the wounded. . . ." Fatalities had been unusually large, for he found only one wounded to every five that were dead, and the corpses were piled on each other. Of his own company there were "28 killed, wounded and missing out of 55" that he carried into the fight,⁶⁷ and of the 447 men in his regiment, 270 had fallen.⁶⁸

The day after the battle at Murfreesboro, January 3, the Confederate forces fell back toward south Tennessee, and John was located near Tullahoma for some time. For almost two weeks he was very sick, the sickest he had been since his connection with the army.⁶⁹ His health failed to return as it should, so Colonel Gober sent him to a farm two miles from Tullahoma, where he stayed for approximately six weeks.⁷⁰ He had hopes of visiting home when he improved, but failed to receive a leave of absence, though the Colonel said he would recommend one. His slave, Stewart, had pneumonia while he was with John near Tullahoma, but soon recovered.⁷¹ By February 23, he had decided upon asking to be sent to a hospital if he continued to show no improvement, and this he did, permission being granted for him to depart for the hospital at Ringgold, Georgia, on March 14.⁷² For this reason, he missed practically all of the Tullahoma campaign, in which Rosecrans maneuvered to the vicinity of Chattanooga.⁷³

Though too weak to return to active duty while at Tullahoma, John was able to lend his assistance by riding to camp and acting

⁶⁷ E. J. Ellis to his mother, Jan. 12, 1863.

⁶⁸ E. J. Ellis' prison diary, 34.

⁶⁹ E. J. Ellis to his mother, Jan. 12, 1863. In a letter to his father, dated June 1, 1863, he revealed that a rupture was his chief trouble.

⁷⁰ E. J. Ellis to his parents, March 18, 1863.

⁷¹ E. J. Ellis to his mother, Feb. 15, 1863.

⁷² E. J. Ellis' prison diary, 38; Louisiana, Commissioner of Military Records, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands*, II, 769. Both Colonel Gober and the Brigade commander had approved his application for sick leave, but General Breckinridge had disapproved, suggesting that he either resign or be honorably discharged. Whereupon John sent in his resignation, but his entire company requested him to withdraw the papers. The only course left open was to go to a hospital.

⁷³ *Dictionary of American History*, V, 329.

as Judge Advocate of the Regimental Court Martial. Bragg also appointed him Judge Advocate of a general Court Martial, but he was unable to act.⁷⁴

What news he had been able to get from home had not been encouraging. Stephen was being called by the conscript act, and John wrote advising him to join "Slocums rangers" or some other company made up for service within the state, for his regiment "was born to bad luck and hard service." To complicate matters further New Orleans relatives had gone to Amite, and were completely dependent upon John's father and brothers at a time when prices were high and times hard.⁷⁵ Soon after entering the hospital, however, he was heartened by hearing of the Yankee repulse at Port Hudson, which made him feel that his home was safe.

John sent Stewart home when he entered the hospital, for he would have no use for a servant there. "Every attention is paid me by others, the attendants are all very kind, the hospital is clean and nice, beds & victuals ditto.... I am taking an old fashioned tonic, dogwood, cherry & poplar bark with whiskey, the diet is light and good, the hospital clean and airy, good water, &c &c." Ringgold was a quiet little place of 1,000, where he found a number of pretty girls to make it more attractive to a man who had been deprived of female companionship for so long; they had begun to bring out their old spring and summer dresses, for no new ones were available. As no news from home had reached him for a month, he urged his parents to write him, in care of "Buckner Hospital, Ringgold, Ga."⁷⁶

Within a month, Ellis' health had improved greatly, and he gained weight, but the surgeon refused to allow him to leave before the end of six weeks. John had heard that a big battle would soon be fought at Tullahoma and wished to take command of his company. In the meantime, his wardrobe needed replenishing, so near the end of April he availed himself of the opportunity to visit Atlanta, which was approximately 100 miles to the south. There he kept an eye open for the young ladies, whom he found very good looking in their summer clothes. Hoop skirts were

⁷⁴ E. J. Ellis' prison diary, 38.

⁷⁵ E. J. Ellis to his father, Feb. 23, 1863.

⁷⁶ In relating her experiences while nursing at Ringgold, Mrs. Fannie Beers tells of nursing Captain Ellis when "he was for a time very ill of pneumonia, and received all his nourishment from my hand." Beers, Mrs. Fannie A., *Memoirs* . . . , 90. Such may have been the case, but he failed to mention the fact in any of his letters that have been preserved, or in his prison diary.

going out, and shingled hair was coming in, a style of hair dress which he thoroughly disliked. His purchases consisted of an ambrotype, which he had taken to send home, and clothing. Prices had reached a high mark; a uniform cost \$135, summer pants \$16, shirt \$15, to mention only a few articles.⁷⁷

After the first of May, John rejoined his regiment, but was able to stay only a short time before he was forced to return to the hospital, where, on orders of General Bragg, he was placed in charge as commandant, a position which had only light duties attached to it, but where he could still be of service.⁷⁸ His life there was rather pleasant, despite the fact that he was never free from the desire to take his place with his company. By this time he knew many of the citizens of the little town, who invited him to their entertainments, and several libraries were placed at the disposal of the new commandant.⁷⁹

News of Lee's invasion of the North was disturbing to Ellis for he felt that a defensive policy would bring peace by spring; "if we invade we never will,"⁸⁰ i.e., have peace by spring. The South had suffered enough that all Southerners would like to retaliate, but invasion might weaken the peace movement in the North.⁸¹ News of the blow at Vicksburg came as a shock, but he had not yet heard of Gettysburg, and continued to trust in the military prowess of General Lee. "In fact we have been outgeneraled & whipped badly except in Pennsylvania. Ah! We have but one Robt Lee."⁸²

As the plight of the Confederacy became more precarious, John's brothers felt that they could not longer remain out of the service. The conscript laws allowed exemptions, but "the desire to secure exemption had become so inordinate, and the law had been so circumvented by the cunning of those who did not have the sacrificial spirit, that the thought of exemption was odious to patriots. It was coming to be bad social form to be an exempt. Many persons no longer differentiated between the exempt and the derelict."⁸³ John's advice to his brother Thomas, who had as dependents a wife and a child born since the beginning of the

⁷⁷ E. J. Ellis to his mother, April 21, 1863.

⁷⁸ E. J. Ellis to his father, June 1, 1863; his prison diary, 39.

⁷⁹ E. J. Ellis to his father, June 1, 1863.

⁸⁰ *Ibid.*, June 21, 1863.

⁸¹ E. J. Ellis to T. C. W. Ellis, June 26, 1863.

⁸² E. J. Ellis to S. D. Ellis, July 10, 1863.

⁸³ Moore, Albert Burton, *Conscription and Conflict in the Confederacy*, 78.

war, was of two kinds. At first he suggested service in the artillery if he was determined to go before his exemption period was up, as that was less arduous than cavalry service.⁸⁴ But later he advised Thomas to join the cavalry so he would not have to walk. In the meantime he was keeping his eyes open for a position for him in the army.⁸⁵ In writing to Stephen, John again advised him to join Slocum's cavalry when he reached conscript age, for it was a local organization which would not have to leave the state, and there was better chance for promotion.⁸⁶

Near the first of July, John's health was so much improved that he requested permission to rejoin his regiment, which was then operating with Johnston's army around Jackson, Mississippi, Breckinridge's division having been sent from Bragg as reinforcement.⁸⁷ On July 16 he was relieved of his command at Ringgold, and on the 17th started for Mobile in the company of two ladies from that place who had visited the husband of one of them in the hospital. With this entrée, he found that Mobile was much more pleasant than it had appeared when he was there the previous year. In fact, he was urged to return to Mobile if he should be sick or wounded in the future, since his own home was in enemy territory by this time. He learned upon reaching that place that Johnston was retreating from Jackson, so he decided to wait until the retreat was finished before rejoining his regiment.⁸⁸ The few days he spent in Mobile impressed the high cost of living upon him again. Board in the hotel was \$8 a day, ham and eggs in the restaurants cost \$2, coffee was fifty cents a cup, etc. The price of clothing had risen also. Coats now cost \$175, pants from \$20 to \$60, and tobacco was selling for \$3 a plug. Formerly he had been able to save \$90 out of his \$130 salary, but by now it took all of it to live.⁸⁹

On July 25 John rejoined the troops at their camp five miles south of Morton, Mississippi, on the railroad between Brandon and Meridian. He reported that there were approximately 40,000 veterans in the field, the food was scarce, but none of them was disheartened. He had heard that the people around Amite were in low spirits, but he did not believe that the true

⁸⁴ E. J. Ellis to T. C. W. Ellis, April 26, 1863.

⁸⁵ *Ibid.*, June 26, 1863; July 23, 1863.

⁸⁶ E. J. Ellis to S. D. Ellis, July 10, 1863.

⁸⁷ *Ibid.*

⁸⁸ E. J. Ellis to his mother, July 23, 1863.

⁸⁹ E. J. Ellis to T. C. W. Ellis, July 23, 1863. Doubtless this rise in prices was due as much to the depreciation of the Confederate currency as to the scarcity of materials.

men were.⁹⁰ During the days of inactivity in Mississippi, he once more tried to convince himself that the "dark days" would end, and that the apparent gains of the enemy would eventually prove a weakness because of the longer lines of communication and the larger region to keep in subjection.⁹¹

By the end of August, a rumor—which proved to be correct—was current that the forces at Morton would be sent to Tennessee once more to reinforce Bragg, who would then have 75,000 men, considered sufficient to crush Rosecrans. John's day dream carried him on to a defeat of Meade by Lee, reinforced by Bragg's victorious army, and then they could both turn on Grant and win a final victory.⁹² Such optimism is almost inconceivable.

Events crowded so swiftly upon one another now, that John did not find time to write home again until after October 1. In the meantime he had once more traveled the road from Mississippi to east Tennessee, and had taken part in the great battle of Chickamauga. Breckenridge's division had joined the forces of Bragg, who was being maneuvered out of Chattanooga by Rosecrans. As Rosecrans pursued the Confederates following their withdrawal, he found them drawn up at Chickamauga creek, just across the Tennessee line in Georgia. Bragg attacked with superior forces on September 19, and after hard fighting on that day and the next emerged victorious.⁹³ During the confusion of the retreat from the city, supplies became disorganized and part of the troops went for sixty hours without food.⁹⁴ John's company was among these, but they behaved well in action, which was the most stubborn he had ever seen. Out of 293 men in the regiment, 100 were lost, and more than 600 out of 1,300 in the brigade were lost, including Brigadier-General Adams who was wounded and captured. John received a fall during the battle which lamed him, and he was sick for a few days thereafter.⁹⁵

Following the victory at Chickamauga, Bragg placed his troops in front of Chattanooga, and John bivouaced with his company at the foot of "Missionary Ridge 2 miles from Chattanooga and about 1½ miles from the enemy line of works." He

⁹⁰ E. J. Ellis to his father, July 29, 1863.

⁹¹ E. J. Ellis to his sister, July 3, 1863; to his father, Aug. 3, 1863.

⁹² E. J. Ellis to his father, Aug. 25, 1863.

⁹³ *Dictionary of American History*, I, 359. For a more detailed account of this battle, see *Battles and Leaders of the Civil War*, III, 638-676.

⁹⁴ E. J. Ellis' prison diary, 42.

⁹⁵ E. J. Ellis to his brother, Oct. 4 and 5, 1863. This letter told of the wounding of Ellis Evans. He sent his servant, Stewart, who had rejoined him, to nurse him. Evans died later and was buried by the Chickamauga. E. J. Ellis' prison diary, 47-48.

thought Bragg had a force strong enough to "whip 300,000 Yankees," despite their strongly fortified position. They were ordered to keep two days' cooked rations on hand; cooking was done at the wagons five miles in the rear and sent up to the troops. Food was better in Mississippi, but rations were frequently short.⁹⁶

On November 14 the Consolidated Sixteenth Louisiana was detached from Breckinridge's division and attached to Major-General A. P. Stewart's, about a mile to the left of its former position, where the Chattanooga creek ran into the Tennessee river. John was sorry to leave his old division, especially the Washington Artillery, for it was the only Louisiana battery in the army and he was very proud of it.⁹⁷

The general criticism of Bragg, which became voluminous when he failed to follow up his advantage after Chickamauga found John taking the side of his general, and he claimed that the entire army felt the same way. Certain disgruntled subordinate officers were at the seat of the trouble, and were trying to lay the blame for their own mistakes on the commanding general.⁹⁸ "Bragg is one of the greatest of our leaders and though the present generation will not do him justice, *Time* the great rectifier, and History will."⁹⁹

Life in the lines before Chattanooga was hard; in fact, John decided that his slave, Stewart, was too old to be able to stand it and determined to send him home.¹⁰⁰ The cannonading was so incessant that the flight of shells over the camp soon ceased to cause any interest.¹⁰¹ There were no tents to be had, but shelters made of boards seemed adequate to men who were used to sleeping in the open. The cost of living had continued to rise, until the officers found it very difficult to live on their pay. Shoes at \$100 a pair and boots at \$160 had got beyond John's income, and he asked his father to send him a pair if he could get them. Other articles had risen in like degree; coats to \$300, pants to \$120, and socks to \$8 and \$10 a pair.¹⁰²

⁹⁶ E. J. Ellis to his brother, Oct. 4 and 5, 1863.

⁹⁷ E. J. Ellis to his sister, Nov. 15, 1863.

⁹⁸ E. J. Ellis to T. C. W. Ellis, Nov. 22, 1863.

⁹⁹ E. J. Ellis to S. D. Ellis, July 10, 1863. However, John thought that a man such as Beauregard should have been put in a position to conceive, and Bragg to carry out the plans.

¹⁰⁰ E. J. Ellis to his mother, Nov. 13, 1863.

¹⁰¹ E. J. Ellis to his sister, Nov. 15, 1863.

¹⁰² E. J. Ellis to his father, Nov. 2, 1863.

To add to his discomforts, John's old affliction began to bother him again, so he applied to Bragg for relief from active duty. If this was not granted, he intended "to resign upon a surgeon's certificate of disability," as he had been advised that he was fit for garrison duty but not for a march.¹⁰³ When Bragg's answer came, it ordered him before a "board to relieve the army of disabled, disqualified, and incompetent officers." Refusing to do this, John sent in his resignation, which Bragg would not accept, ordering him to a hospital instead. This appeared to be the only solution, but John determined to stay with the army as long as it was before Chattanooga; he would go to the hospital if the army undertook a march.¹⁰⁴

Such was young Ellis' state of affairs when the Battle of Missionary Ridge¹⁰⁵ took place on November 25, 1863, his father's birthday. "All day long we were moving from left to right, then back again to the left."¹⁰⁶ His regiment was finally located on the extreme left of the line, thirty or forty yards below the crest of the ridge, drawn out in single file, with six to eight feet between the men. About four in the afternoon, the enemy line began advancing, from three quarters of a mile away. The first line came 100 yards, then a second, third, and fourth line appeared. The Confederate guns opened, and the Yankees answered. The advancing lines drove in the Confederate skirmishers, and started up the ridge. When they were within 100 yards, the order was given to fire. The wind lifted and showed the first line broken, but the second line still advanced. Again the order to fire was given and the second line was broken. The Confederates' fire disorganized the third and fourth lines, which sought cover behind rocks and trees and began to fire up the ridge, the shot passing over the heads of the defenders. Captain Ellis reported to Colonel Gober that his ammunition was running low, and he was ordered to fire only when the target was good, and when the ammunition was gone to fix bayonets—the orders were to hold, "& it must be done." This word was passed along to the subordinate officers.

As it was known that the right flank was protected, it was assumed that the left was likewise, so the men sat down to await the issue, as they knew the enemy would never be able to ascend

¹⁰³ E. J. Ellis to his mother, Nov. 13, 1863.

¹⁰⁴ E. J. Ellis to T. C. W. Ellis, Nov. 22, 1863.

¹⁰⁵ A brief account of this battle may be found in the *Dictionary of American History*, III, 416; an account of the campaign around Chattanooga, of which this battle was a part, is located in *Battles and Leaders of the Civil War*, III, 679-730.

¹⁰⁶ E. J. Ellis' prison diary, 50.

the ridge in front. The Rebel Yell "rang down the vale" since they thought the day was theirs. But their left flank was unprotected, and a Yankee division came up the ridge, formed unopposed, and charged on the left flank and rear. As the ground toward the left was wooded and the Confederate lines were below the crest of the ridge, Ellis could not see the top and he could not see the cause when the left began to give away. Panic reached his company and it began to break, but he forced them back into position. Then firing started behind him at the top of the ridge, so he knew the Yankees were there. He ordered his company to retreat but they were "surrounded by myriads of Yankees."¹⁰⁷ "A Yankee captain demanded my surrender. I threw my sword down the ridge and with very bad grace, submitted."¹⁰⁸ All but two or three of the company were taken.¹⁰⁹

John Ellis' war days were over, and he now began the long journey toward a different kind of life in a military prison.

CHAPTER III

JOHNSON'S ISLAND

Prison life began in Chattanooga, where Ellis and most of his company were kept for four or five days. From there he was taken via Nashville to Louisville,¹ and was received at the military prison in that city on December 4, 1863. On the following day² the journey was continued, and on the night of December 7, after a short boat ride from Sandusky, Ohio, he reached the military prison on Johnson's Island.³

Early in 1862 this island, located in Sandusky Bay, became "a depot exclusively for Rebel officers who were held as prisoners of war."⁴ The prison pen, which was located on the south shore of the western end of the island,⁵ covered an area of between sixteen and eighteen acres.⁶ It was "enclosed by a fence twelve

¹⁰⁷ E. J. Ellis to his mother, Feb. 26, [1864].

¹⁰⁸ E. J. Ellis' prison diary, 51; Louisiana, Commissioner of Military Records, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands*, II, 769.

¹⁰⁹ E. J. Ellis to his mother, Feb. 26, [1864]; his prison diary, 51.

¹ E. J. Ellis to his mother, Feb. 26, [1864].

² Louisiana, Commissioner of Military Records, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands* . . . , II, 769.

³ E. J. Ellis' prison diary, 53.

⁴ Reid, Whitelaw, *Ohio in the War* . . . , II, 653.

⁵ Carpenter, Horace, "Plain Living at Johnson's Island . . ." *Century Illustrated Monthly Magazine*, XLI (March, 1891), 709; Shepard, Frederick Job, "The Johnson Island Plot . . ." *Buffalo Historical Society Publications*, IX (1906), 6. The latter has, on p. 3, a map of western Lake Erie, showing the location of Johnson's Island in relation to Sandusky, Detroit, and other important points.

⁶ E. J. Ellis' prison diary, 53. Shepard, *loc. cit.*, says the area was fifteen acres.

feet high, and within were constructed thirteen two-story barracks,"⁷ built in two rows, with a street 150 feet wide separating the rows.⁸ Of these so called "blocks," number six was used as a hospital.⁹ Four of the remainder were divided into twenty-two rooms each, the others into six compartments each.¹⁰ The buildings were of ordinary frame construction, "weather-boarded but unsealed on the inside,"¹¹ and almost impossible to heat. Consequently the thinly clad Southerners, who were unused to zero weather, suffered a great deal from the cold. The customary "dead-line" was marked off by stakes driven in the ground about thirty feet from the fence, at intervals of from twenty-five to thirty feet.¹² Prisoners were warned that they would be shot if they ventured beyond the line.¹³ Each building had a sink located behind it, twenty feet inside the dead-line. Consequently, as a precautionary measure, "but two or at the most three were allowed to visit them at one and the same time, and this notwithstanding that the block contained on an average over two hundred and fifty men each."¹⁴

At the time Ellis entered the prison, exchanging of prisoners had been discontinued, with the result that the number on the island had increased from 308 in January of 1863 to 2,623 in December of the same year.¹⁵ His first night was spent on the floor in block seven. The next morning he located his friend and former schoolmate, Bolivar Edwards, in block five and made arrangements to bunk with him.¹⁶ At first he suffered from lack of bedding, for the weather was very cold, Lake Erie being frozen over. However, once this condition was remedied, his situation was fairly comfortable, "with books, friends, correspondence, &c &c."¹⁷

Prisoners were allowed to write three letters a week, of 28 lines of letter paper, which was then censored.¹⁸ Ellis kept up

⁷ Shepard, *loc. cit.*

⁸ Carpenter, *loc. cit.*

⁹ E. J. Ellis' prison diary, 53. Carpenter, *loc. cit.*, says number eight was the block used as hospital.

¹⁰ Shepard, *loc. cit.*

¹¹ Carpenter, *loc. cit.*

¹² Shepard, *loc. cit.*

¹³ Carpenter, *loc. cit.*, 711.

¹⁴ *Ibid.*, 710. For an interesting, though highly colored, description of life at Johnson's Island, see Barbière, Joseph, *Scraps from the Prison Table, at Camp Chase and Johnson's Island* (Doyleston, Pa., 1868). The author was exchanged in September, 1862, therefore his account contains nothing about the retaliatory measures taken when stories of Southern prison pens began to circulate in the North.

¹⁵ Reid, Whitelaw, *Ohio in the War . . .*, II, 653.

¹⁶ E. J. Ellis' prison diary, 53. His mess mates were Lieutenants W. C. and J. F. Kent and J. H. Prater of his own regiment and Victor Olivier of the Thirteenth Louisiana. E. J. Ellis to his sister, Mary, Feb. 22, 1864.

¹⁷ E. J. Ellis to his sister Mary, Feb. 22, 1864.

¹⁸ "Northern Prison Life," *The Land We Love*, II (January, 1867), 175.

a correspondence with nineteen of his company who were imprisoned at Rock Island, Illinois, and three others at Chicago. Soon after arriving on the island, he wrote home in care of Mr. Evans, a Union sympathizer, with whom John had boarded while going to school in New Orleans. He asked that fifty dollars in Federal currency be sent to him, and Mr. Evans forwarded twenty, saying he would send the rest when he knew the first had been safely received.¹⁹ Apparently he wanted the money to buy clothing and incidentals not supplied by the authorities, for he was captured with only the clothes on his back, and the government's announced intention of supplying overcoats to those who most needed them²⁰ benefited few of the men.

Apparently Ellis took sick early in 1864, for no word reached his family for a period of two or three months. In May or June he wrote a friend who had sent him some much needed clothes reporting that his health was "still feeble & does not improve." He asked that this not be repeated in letters to Amite, for his family would worry about him.²¹

Though the weather improved with the coming of spring, prison life became even less pleasant. Stories of the cruel treatment of Northern prisoners in the South, especially at Andersonville, Georgia, were being circulated in the North, and under the command of Colonel Charles W. Hill, the prison fare became harder, rations were reduced, and treatment was cruel.²² Since exchanging prisoners had been discontinued, many took the oath of allegiance rather than continue to endure the scant food and clothing and the monotony of prison life.²³

By early July Ellis was again well, despite the reduced rations. He had heard news of operations in east Louisiana where Colonel Gober was in command of the forces.²⁴ By this time both his brothers were in the service and were seldom at home.²⁵

Two elaborate plots to remove the prisoners from Johnson's Island were arranged by Confederates operating in Canada and the northern states, one in 1862 and the other in August and September of 1864. Ellis gave no intimation that he ever knew anything about the latter plot, but it caused considerable excitement on Lake Erie.

¹⁹ O. E. Evans to E. P. Ellis, Jan. 30, 1864.

²⁰ Shepard, *loc. cit.*, 14.

²¹ E. J. Ellis to a friend, [May or June? 1864].

²² "Northern Prison Life," *loc. cit.*, 173; Shepard, *loc. cit.*, 12.

²³ Carpenter, *loc. cit.*, 715.

²⁴ E. J. Ellis to his sister, July 9, 1864.

²⁵ S. D. Ellis to his sister, Feb. 11, 1864; T. C. W. Ellis to his wife, Feb. 22, 1864.

By August, 1864, more than 2,500 officers were imprisoned on the island, "enough for an army and navy of eighty thousand men. They were within a short distance of the Canada main, and still nearer to a Canada island.... During the season of navigation it could be reached from Canada in a few hours' night run, and during the winter-season men and teams could conveniently cross the lake, from island to island, not over five miles of ice intervening in any place. During the season of ice the location of the depot of prisoners practically ceased to be an island."²⁶ To guard all of the Great Lakes, there was only one armed ship, the U. S. S. *Michigan*, which had been assigned to duty at the prison, and if she could be captured by the Confederates, they could wreck havoc with lake shipping and perhaps release the prisoners at Johnson's Island and at Columbus, Ohio.²⁷

Under the general direction of Jacob Thompson, Secretary of the Interior under Buchanan, who worked from Canada, plans were made to seize the *Michigan*. Charles H. Cole, a soldier of fortune, was to arrange matters in Sandusky and John Yates Beall, a former Confederate soldier who wanted to operate a privateer on Lake Huron, was to secure a vessel with which to capture the *Michigan*. On the morning of September 19,²⁸ action was begun with the boarding of the S. S. *Philo Parsons* at Detroit, Michigan, and Sandwich and Amherstburgh, Canada, by a number of the plotters. When about twelve miles from Sandusky, the ship was taken over and returned to Kelly's Island, where a message from Cole was awaited. However, Lieutenant-Colonel Hill of Detroit had learned of the plot and warned Captain Carter of the *Michigan*, who immediately arrested Cole and awaited the *Philo Parsons* so that the others could be apprehended. When Beall failed to receive the expected message, the crew mutinied and headed the boat for Detroit. Upon reaching Sandwich, the boat was scuttled and the men dispersed.²⁹ With this ended the last serious attempt to free the prisoners at Johnson's Island.

Ellis had enough to do to keep him from becoming too bored with forced confinement. He did the cooking for himself and three others from the Sixteenth Louisiana and also washed the pots and dishes. When funds gave out it was necessary to

²⁶ Reid, *Ohio in the War . . .*, II, 655.

²⁷ Quaife, Milo Milton, "The Iron Ship," Burton Historical Collection Leaflet, VII (November, 1938), 28-29.

²⁸ There is a difference of opinion as to the date; Shepard, *loc. cit.*, 29, says September 18.

²⁹ Shepard, *loc. cit.*, 16-37; Quaife, *loc. cit.*, 28-30.

wash clothes also. In the way of recreation he had copies of Hume's and Macaulay's histories to read, as well as the standard works of literature such as Scott and Milton and Sue's *The Wandering Jew*.³⁰ From time to time, entertainments were put on, especially before more stringent restrictions were imposed.³¹ He also kept up a correspondence with a number of lady friends who sent him clothes, books, newspapers, and food, which was prohibited. The latter was most welcome, for he was allowed only "ten ounces of bread; $\frac{1}{2}$ lb beef or 6 ounces of bacon or salt fish," enough for only two meals a day,³² and often went to bed hungry.

By September, frost had begun to fall. He looked forward to a more pleasant winter than his first had been, for he had plenty of clothes and four blankets "and [I] think I will fare a great deal better than I did last winter for then I came near to freezing to death." The rooms were large with only one stove in each, and it was hard to get near them in the cold winter.

At this time there was still no prospect of an exchange, and he still would not think of taking the oath. Apparently the prisoners were allowed to keep up with the outside world, for Ellis manifested his interest in the presidential election of 1864. He believed there was a large peace party in the North, but thought that none of them was disinterested. If the peace factions thought the South could be subdued, the Confederacy would have no friends in the North. And he believed that he and his comrades would be prisoners for the rest of the war if Lincoln was re-elected.³³

On September 24 Ellis moved from block five to room six of block two, where he shared the room with seven others, five of whom were from Louisiana.³⁴ His new quarters were much better, for the stove was a good one and able to keep the room heated. By now they were taking turns washing the dishes, and had learned how to wash clothes pretty well. He still spent most of his leisure time reading, for there were plenty of books.³⁵

³⁰ E. J. Ellis to his sister, Sept. 16, 1864; his prison diary, 81.

³¹ Carpenter, *loc. cit.*, 712. He mentions a minstrel group, the *Rebellonians*, that put on a show once a week.

³² E. J. Ellis' prison diary, 81.

³³ E. J. Ellis to his sister, Sept. 16, 1864. This letter was smuggled out of the prison, which fact accounts for its length exceeding the prescribed twenty-eight lines.

³⁴ E. J. Ellis' prison diary, 53; E. J. Ellis to his father, Dec. 11, 1864.

³⁵ E. J. Ellis to his father, Dec. 11, 1864.

By the middle of December winter had begun in earnest, and the lake had begun to freeze over.³⁶ Evidently rations were even scantier than before, for he reports that block twelve had cooked cat.³⁷ Also, rats which had been rather numerous, disappeared, though nothing is said of what became of them.³⁸

Ellis' letters gradually became largely lamentations over his failure to hear from home, a complaint which appeared as early as August of 1864.³⁹ By December he was worried for fear that something had happened to keep members of his family from writing.⁴⁰ On December 22 new arrivals who had been captured near Nashville gave him what news they had at the time they were taken. He suggested to his mother that letters be sent by express via New Orleans, for a friend of his received letters in that way.⁴¹ On March 16, 1865, he wrote in his diary: "Tonight is letter night, but I have no one to write to for my correspondents all of a sudden have ceased to write to me. Perhaps they think I am exchanged."⁴² From time to time his hope of being exchanged was revived,⁴³ but in this he was destined to be disappointed.

April, cold and disagreeable, with few bright days, was a "month of tears." When the prisoners saw the flags flying in Sandusky and heard the bells ringing, their curiosity was aroused. A boat brought the news of Lee's surrender.⁴⁴ Reports of the assassination of Lincoln reached the island at nine o'clock on the morning of the fifteenth. When the news was given to the prisoners, they were asked to give no signs of exultation. Ellis felt that they were harshly judged, for he himself abhorred the murder.⁴⁵ News of the surrender of General Johnston, which reached Johnson's Island on April 28, came as no surprise.⁴⁶

Following the surrender of these armies in the South, many were discharged from the prison on parole until only about one hundred and fifty remained by the end of spring.⁴⁷ On April 29 eight hundred took the amnesty oath. Ellis refused to do so, however, for he considered himself a Confederate soldier until

³⁶ *Ibid.*

³⁷ E. J. Ellis' prison diary, 69.

³⁸ Carpenter, *loc. cit.*, 715.

³⁹ E. J. Ellis to his sister, Aug. 17, 1864.

⁴⁰ E. J. Ellis to his father, Dec. 11, 1864.

⁴¹ E. J. Ellis to his mother, Dec. 27, 1864.

⁴² E. J. Ellis' prison diary, 81.

⁴³ E. J. Ellis to a friend, March 2, 1865.

⁴⁴ E. J. Ellis' prison diary, part 2, 1.

⁴⁵ *Ibid.*, 5.

⁴⁶ *Ibid.*, 8.

⁴⁷ Reid, *Ohio in the War . . .*, II, 656.

the Confederacy was dead, and the Trans-Mississippi Department was still operating. But he had made up his mind to eventually take the oath, for there were no prospects of being exchanged.⁴⁸

The month of May was a time of indecision for Ellis. He and his friend Fluker Kept were the only ones left in a room that had held eight.⁴⁹ Still he put off the day when he would have to take the oath. He wrote to his father that he would soon have to make "a momentous decision." He had always tried to do his duty and abide by his conscience. "From you I drew my political opinions and no vote or voice of yours or mine brought on this war. There is no blood on my hands. Had the war terminated favorably to the South I would always have thought that we were right opposing secession."⁵⁰

There being no other way to secure release, he sent for his application for the oath on June 6, along with eight others.⁵¹ On the 13th he took the oath of allegiance to the United States,⁵² and was given his money, which amounted to \$1.75. That same evening he left Johnson's Island for home. Arriving at Cincinnati the following day, he took a boat, and after a voyage of eighteen days reached Baton Rouge.⁵³

"Here ends this diary. Suffice it is to say that I arrived at home at 9 o'clock P. M. on the 4th of July⁵⁴ where I expect to stay like a white man."⁵⁵

CHAPTER IV CIVILIAN LIFE

During John's absence changes had taken place, though his home did not seem to have suffered much from the war. Amite had become the county seat of the newly created Tangipahoa parish, and his father had been elected judge of the Sixth Judicial District in April, 1865.¹ Young Ellis' first few months at home were occupied with readjustment to civilian life. For a time he

⁴⁸ E. J. Ellis' prison diary, part 2, 8.

⁴⁹ *Ibid.*, 11.

⁵⁰ E. J. Ellis to his father, April 25, 1865.

⁵¹ E. J. Ellis' prison diary, pt. 2, 28. As evidence that his sense of humor was not impaired, the following is part of Ellis' entry in this diary for June 6, 1865: "Last night I was tortured by chintzes. A battalion formed just at the edge of my hair on my forehead and made three determined efforts to capture my nose. . . . I repulsed them with great slaughter." However, he ended the night on the floor with a blanket.

⁵² Louisiana, Commissioner of Military Records, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands* . . . , II, 769; E. J. Ellis' prison diary, pt. 2, 31.

⁵³ E. J. Ellis' prison diary, pt. 2, 31-38.

⁵⁴ It had been approximately three years, three and a half months since he was last home.

⁵⁵ E. J. Ellis' prison diary, pt. 2, 38.

¹ Amite, La., *Daily Wanderer*, Dec. 8, 1864; *Amite City Times*, July 27, 1867.

served as one of the editors of the *Daily Wanderer*, a newspaper published in Amite,² which had advocated the election of Henry Watkins Allen in the gubernatorial election of that year.³

Within a short time he began to practice law in Amite, apparently in partnership with his brother Thomas,⁴ who was now a member of the state Senate.⁵ Both of the brothers took cases in various parishes of east Louisiana,⁶ and also in New Orleans.⁷ John later took part in a number of important cases, among which was the defense of the Grant parish prisoners, which involved the construction of the fourteenth amendment to the constitution.⁸

On January 29, 1867, John was married to Miss Josephine Chamberlain, in Adams county, Mississippi.⁹ He and his bride then paid a visit to Amite, and shortly afterwards both returned to the vicinity of Natchez for a short time.¹⁰

As early as January, 1866, John considered moving to New Orleans,¹¹ but it was not until early in 1869 that he did so.¹² He established his home¹³ in Jefferson parish, but soon moved from his first house to another on the corner of Pitt and Amelia streets, which he and his brother Thomas bought.¹⁴ He opened his office at 16 Carondelet street, and was soon well enough settled to ask his brother to send some of their law books to him.¹⁵ "We breakfast at 8½, I reach the office at 9, stay till 11, go to the courts and return at 2, remain till 4½, get home and dine at 5 and we have no supper."¹⁶

In August John took a vacation from the trying task of establishing a practice and went with his family to his father-in-law's place near Point Comfort, in Chicot county, Arkansas. It was located in new country, without a school or church in the county,

² E. J. Ellis to T. C. W. Ellis, July 12, 1865.

³ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 12.

⁴ State of Louisiana vs. James and Joseph Woodward, Nov., 1866, 6th District Court; T. C. W. Ellis to his wife, May 30, 1868.

⁵ T. C. W. Ellis to his father, March 13, 1866.

⁶ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 13; E. John Ellis to his mother, May 29, 1867.

⁷ T. C. W. Ellis to his father, Feb. 6, 1868.

⁸ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 13.

⁹ Marriage license issued by Henry C. Eustis, Clerk of Court, Adams county, Miss., Jan. 28, 1867.

¹⁰ E. J. Ellis to T. C. W. Ellis, Aug. 10, 1867.

¹¹ A letter to E. J. Ellis, Jan. 14, 1868.

¹² S. D. Ellis and Mrs. E. J. Ellis to Mrs. E. P. Ellis, Jan 26, 1869.

¹³ His eldest child, Lilly, had been born by this time.

¹⁴ Bill of sale, dated Feb. 16, 1869.

¹⁵ E. J. Ellis to T. C. W. Ellis, Jan. 27, 1869; Feb. 2, 1869.

¹⁶ E. J. Ellis to his mother, Feb. 19, 1869.

and John spent most of his time hunting. Leaving his wife and daughter to continue their visit, he returned to New Orleans in September,¹⁷ for he was anxious to get back and prepare for the fall and winter political campaign.¹⁸

Politics had occupied part of Ellis' time ever since his return home. In 1868 he "was chosen by the Democratic State Convention as an alternate elector on the Seymour and Blair ticket. His canvass in this campaign was his first introduction to the people of New Orleans as a public speaker."¹⁹ It proved to be many years before he ceased participating in the public life of the city.

The lack of good leaders for the Democratic-Conservative party was a source of great concern to Ellis. He had never believed that Andrew Johnson was more than a demagogue²⁰ and he cared as little for the politicians of the state, who appeared to have no plan of action.²¹ The political situation during the winter of 1869-70 was such that he declared himself "willing...to enlist for life," "if there was one hope of successful and armed revolution."²² Doubtless one of the chief causes for his despondency was a fight being waged against his father in an attempt to remove him as judge of the Sixth Judicial District.²³

Once more, in August, 1870, John interrupted his struggle to make his practice pay, by taking his family²⁴ to Point Comfort, Arkansas. He intended to return to New Orleans on September 1, but his son became so ill that he was afraid to leave, and was forced to remain away until October 1. While still in Arkansas, John heard of his brother's appointment to the Democratic State Central Committee.²⁵

While occupying himself principally with the practice of law, John, nevertheless, continued to devote a small part of his atten-

¹⁷ E. J. Ellis to T. C. W. Ellis, Aug. 28, 1869.

¹⁸ E. J. Ellis to his father and mother, Sept. 3, [1869].

¹⁹ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, De-cased, to the Supreme Court of Louisiana*, 12-13. For a general discussion of the troubled political situation in Louisiana, especially New Orleans, during reconstruction, see Ficklen, John Rose, *History of Reconstruction in Louisiana (through 1868)*; Lonn, Ella, *Reconstruction in Louisiana after 1868*; Caskey, Willie Malvin, *Secession and Restoration of Louisiana*.

²⁰ E. J. Ellis to T. C. W. Ellis, Dec. 4, 1865.

²¹ *Ibid.*, Jan. 29, 1870.

²² *Ibid.*

²³ *Ibid.*, Jan. 6, 1870; Jan. 11, 1870. Apparently nothing came of this attempt at removal, though his political enemies were successful in eliminating Judge Ellis at the next election via the Returning Board.

²⁴ A son, Thomas, named for his paternal uncle, was born March 15, 1870. E. J. Ellis to T. C. W. Ellis, March 16, 1870.

²⁵ E. J. Ellis to T. C. W. Ellis, Sept. 23, [1870].

tion to politics,²⁶ until the campaign of 1872 began to take shape. As the year wore on, he devoted more and more of his time to the campaign, and in the end completely disregarded his own statement "that law pays better than politics."²⁷

John's interest in the approaching election became much more acute in March, when he seems to have given his first serious thoughts to becoming a candidate for District Attorney. "Already the 15th, 14th, 12th, 11th, 10th, 1st, 3rd, 4th, and 5th wards are almost pledged to me."²⁸ At the same time he expected to be elected a delegate from the twelfth ward to the Democratic Convention.²⁹

As the summer wore on the agitated political waters became more and more murky. The Reform convention, being rather unsuccessful at its meeting in June, was willing to fuse with the Democrats early in July.³⁰ On the 18th of that month Ellis left New Orleans to keep a number of speaking engagements in company with four other prominent Democrats and a reporter of the New Orleans *Picayune*.³¹ It was while he was at Minden in north Louisiana, with John McEnery, B. F. Jonas, and Carleton Hunt, that John first heard the news of the Fusion ticket, supported by the Democratic, Reform, and Liberal Republican parties.³² This added support brought Warmoth into the ranks opposing the forces of S. B. Packard and P. B. S. Pinchback, which were supporting William Pitt Kellogg.

When the Reform convention met in New Orleans on October 3, 1872, for the purpose of nominating candidates "for the various municipal and parochial offices," Ellis and six others were named as possible candidates for district attorney.³³ At its evening session on the following day Ellis was nominated with 54 votes against 36 for Adolphe Dupré.³⁴ However, when the Conservative convention met on October 14, Ellis was defeated for nomination

²⁶ Ellis participated in a secret political organization, which he referred to as "The 76." His first mention of it was in a letter to his brother, Jan. 6, 1870, and as late as June 22, 1871, in another letter to his brother, he tells of the proposal to extend its operations throughout the state.

²⁷ E. J. Ellis to T. C. W. Ellis, Jan. 22, 1872.

²⁸ *Ibid.*, March 29, 1872.

²⁹ *Ibid.*

³⁰ *Ibid.*, June 13, 1872; July 8, 1872. In the meantime John had been a member for the state at large of the Democratic State Central Committee. The Amite *Tangipahoa Democrat*, July 4, 1872.

³¹ E. J. Ellis to T. C. W. Ellis, July 17, 1872. The *Picayune* had recently become a Democratic organ. E. J. Ellis to T. C. W. Ellis, July 8, 1872.

³² New Orleans *Daily Picayune*, Sept. 2, 1872.

³³ *Ibid.*, Oct. 4, 1872.

³⁴ *Ibid.*, Oct. 5, 1872.

in that convention by John McPhelin.³⁵ By the time the principal anti-Republican tickets were completed Ellis was nominated for district attorney on four³⁶ and McPhelin on two.³⁷ In the interest of harmony, John wrote to William Stevenson, chairman of the Democratic Parish Committee, on October 27, suggesting that the committee drop his name and substitute that of McPhelin.³⁸ This was done, uniting all four of the important opposition factions in their choices for parish officers.³⁹ Immediately after, John and a number of other speakers left on a tour of the Florida parishes in the interest of the Fusion ticket.⁴⁰

The results of the election are well known. Democratic-Conservative jubilation over what appeared to be a victory at the polls⁴¹ proved to be premature. When the Returning Board met, it manipulated the returns in such a way that not only did Grant carry the state according to the official returns, but Kellogg did likewise.⁴² For the time being, the Federal government observed a hands-off policy, so that both factions inaugurated their candidates on January 13, 1873.⁴³

Within a short time, the Committee of Seventy appointed a committee in connection with the election. Almost a year later, while the rival governments were still striving to eliminate each other, this committee declared:

If we go down in this contest, the RIGHT of self-government no longer exists; and the government of constitution and law, the corner-stone of which is the consent of the governed, will have been displaced and superseded by the strong hand of absolute power.⁴⁴

But the "Customs House Gang" was favored by Grant, and was able to maintain itself in the face of popular opposition.

As John became more and more important in the political councils of the party, his practice became more and more lucrative, though it was not always possible to collect fees from his

³⁵ *Ibid.*, Oct. 15, 1872.

³⁶ *Ibid.*, Oct. 19, 20, 26, 28, 1872.

³⁷ *Ibid.*; Oct. 16 and 23, 1872.

³⁸ *Ibid.*, Oct. 30, 1872.

³⁹ *Ibid.*, Nov. 1, 1872.

⁴⁰ *Ibid.*, Oct. 30, 1872.

⁴¹ E. J. Ellis to T. C. W. Ellis, Nov. 16, 1872.

⁴² For an account of the activities of the Returning Board, see Lonn, *Reconstruction in Louisiana after 1868*, 181-204.

⁴³ A telegram from E. J. Ellis to T. C. W. Ellis, Jan. 13, 1873; *New Orleans Daily Picayune*, Jan. 14, 1873.

⁴⁴ *Report of the Committee Appointed by the Committee of Seventy . . . in the Cases Growing out of the General Election of Nov., 1872*, 21. This sub-committee was composed of R. H. Marr, Albert Voorhies, H. D. Ogden, and E. J. Ellis.

clients,⁴⁵ especially after the depression of 1873 made business conditions even more uncertain in the distracted state.⁴⁶ Clients and visitors became so numerous that he was compelled to move from the upstairs office at 13 St. Charles Street to more spacious quarters at 122 Gravier street, where a two-room suite was shared with another lawyer. John had a plan on foot whereby he would be rewarded for withdrawing from the race for district attorney by the new city board.⁴⁷ In that case, he would need someone to share his office and attend to private matters while he devoted his attention to the \$6,000 a year public office.⁴⁸ However, his hopes were dashed when the board finally elected another by a vote of two to five.⁴⁹ From the time he first began to take an active interest in politics, until he finally retired from public life more than ten years later, Ellis was never completely free of financial worries, and from time to time became involved in unsuccessful ventures in an effort to supplement his too scanty salary.

The political situation continued unsettled, with a rumor reporting at one time that a new election would be held under Federal auspices. The position of John's father was typical of many Democratic-Conservative candidates who claimed success at the November election in 1872. Governor McEnery issued a commission to him early in 1873,⁵⁰ but John thought it unwise for him to hold court until the validity of his claim had been decided upon by the Supreme Court.⁵¹ Finally, near the end of May, in the case of Kemp vs. Ellis, the Supreme Court handed down its decision in favor of the plaintiff.⁵² Thereafter, Judge Ellis never again held a public office.

Neither of the rival governments had succeeded in bringing the fight to a head before the plans were laid for the campaign of 1874. John urged that Democratic plans for the election be kept quiet until after the convention had met in Baton Rouge in August, for he did not want to give the Radicals in the North an excuse for raising the war cry. "About White League &c &c we should be quiet for a while. Later in the canvass events will so

⁴⁵ E. J. Ellis to T. C. W. Ellis, March 13, 1869; April 22, 1870.

⁴⁶ *Ibid.*, May 30, 1873; Nov. 12, 1873.

⁴⁷ *Ibid.*, Nov. 16, 1872.

⁴⁸ *Ibid.*, Dec. 7, 1872.

⁴⁹ *Ibid.*, April 1, 1873. An attempt to have himself elected attorney of the new Board of Police, at a salary of \$4,000 per year, ended successfully. *Ibid.*, Feb. 15, 1873.

⁵⁰ *Ibid.*, Jan. 29, 1873.

⁵¹ *Ibid.*, May 19, 1873.

⁵² *Ibid.*, May 30, 1873; *New Orleans Daily Picayune*, May 28, 1873.

shape themselves as to render White leagues *a necessity*. . . . Our policy is quiet and effective organization and upon a *military basis*. This should be kept quiet however."⁵³ These plans to avoid organizing on the color line were unsuccessful, however, for as early as June 24, the Crescent City Club, in organizing for the 1874 campaign, changed its name to the Crescent City White League,⁵⁴ and by July 3 there were "about five White leagues and fifty Democratic clubs" in the city.⁵⁵

Although John had been urged to run for Congress as early as March 1872,⁵⁶ it was not until the summer of 1874 that he gave serious consideration to it. He wrote to his brother: "The Democrats speak of nominating me for Congress from my District. If they should, what ought I to do? It is the finest and by far the wealthiest District in the State but it is a hard race to run."⁵⁷ Shortly after the Republicans nominated H. C. Dibble for Congress from the Second District,⁵⁸ John allowed his name to be included among those seeking the Democratic nomination from that district.⁵⁹

John rendered yeoman service in working for organization of the party and harmony within the ranks. He and another resident of New Orleans had been commissioned to see that sufficient armed men were available if they should be needed, and to spread the military organizations.⁶⁰ And it was in no small part due to his untiring efforts that opposition to the convention at Baton Rouge and dissension among the various factions at the convention were avoided.⁶¹

When the convention met in Baton Rouge, August 24, the three prospective candidates for Congress from the second district were R. H. Marr, J. B. Eustis, and Ellis, but it was thought that Marr would decline to run.⁶²

The delegates from the parishes and wards composing the Second Congressional District met at 10 o'clock, August 25, for the purpose of nominating a candidate for Congress.

⁵³ E. J. Ellis to T. C. W. Ellis, June 24, 1874.

⁵⁴ New Orleans *Daily Picayune*, June 24, 1874.

⁵⁵ E. J. Ellis to T. C. W. Ellis, July 3, 1874.

⁵⁶ *Ibid.*, March 2, 1872.

⁵⁷ *Ibid.*, July 3, 1874. The Second Congressional District was composed of the parishes of Jefferson, St. Charles, St. James, and St. John, and wards one and two, and ten through fourteen of the parish of Orleans.

⁵⁸ New Orleans *Daily Picayune*, Aug. 8, 1874.

⁵⁹ *Ibid.*, Aug. 19, 1874; E. J. Ellis to T. C. W. Ellis, Aug. 21, 1874.

⁶⁰ E. J. Ellis to T. C. W. Ellis, Aug. 3, 1874.

⁶¹ *Ibid.*, Aug. 3, 1874; Aug. 21, 1874.

⁶² New Orleans *Bulletin*, Aug. 25, 1874.

On motion, Mr. J. H. Grover, of Orleans, was called to the chair, and Mr. Thaddeus Waterman was requested to act as secretary.

A motion was made to adjourn until 7 o'clock p.m. Motion lost.

Motion to vote per capita and by ballot was adopted. Nominations being in order, E. John Ellis, of Orleans, and Jas. P. [!] Eustis, of Orleans, were placed in nomination.

First ballot, E. John Ellis 26 $\frac{1}{4}$, James B. Eustis 23 $\frac{3}{4}$.

On motion, a committee of three were appointed to inform Mr. Ellis of his nomination.⁶³

He had lived up to the boast to his brother that he would be nominated on the first ballot; it remained to be seen whether he could achieve his aim of defeating his opponent by a margin of four thousand votes.⁶⁴

Popular opinion in general appears to have approved of the nomination of Ellis.⁶⁵ At a large mass meeting held on the night of September 1, for the purpose of endorsing the action of the Baton Rouge convention, the proceedings were concluded by his address.⁶⁶ "He made one of those eloquent and stirring speeches such as he alone can make, and the cheers that greeted him throughout were certain evidence of the appreciation with which his remarks were received."⁶⁷

It was of great importance that the convention had been held and brought to a harmonious end without alienating any factions of the "People's Party,"⁶⁸ the name which the anti-Republican forces had taken for the campaign. A greater task lay ahead, that of winning the election, in spite of the Republican appointed registrars of voters and other officials. But a spectacular occurrence, which proved to be of utmost importance, intervened. On August 6, John had written to his brother, "The next 60 days are big with events. A revolution is not improbable."⁶⁹ His expectations were fully realized.

⁶³ *Ibid.*, Aug. 27, 1874.

⁶⁴ E. J. Ellis to T. C. W. Ellis, Aug. 21, 1874.

⁶⁵ *Ibid.*, Aug. 26, 1874; *New Orleans Daily Picayune*, Aug. 28, 1874.

⁶⁶ *New Orleans Daily Picayune*, Sept. 2, 1874; *New Orleans Bulletin*, Sept. 2, 1874.

⁶⁷ *New Orleans Bulletin*, Sept. 2, 1874. The same issue also contained the following: "Mr. Ellis is a young man of great natural talent and genius. He is a fluent and eloquent speaker, as well as a ready and witty debater, and those who may come under his withering and sarcastic criticisms are certainly to be pitied. Bold, fearless, honest and outspoken, he is destined to make a name for himself in the political history of his native State, and his constituents may rest assured that in him they will find a representative and a champion that will be true to them, and will do honor alike to himself and his State."

⁶⁸ *New Orleans Daily Picayune*, Aug. 26, 1874.

⁶⁹ E. J. Ellis to T. C. W. Ellis, Aug. 6, 1874.

In the tense pre-election atmosphere, relatively insignificant incidents were apt to have an effect out of all proportion to their importance. The spark that brought the smouldering fire to a full blaze for a short time was the seizure of a number of boxes of guns from a wagon and commercial establishment on Canal street, September 8.⁷⁰ Two days later more seizures were made in what appeared to be a campaign on the part of the Metropolitan Police to round up all weapons that might be used in arming the White Leagues.⁷¹ The latter were quick to seize upon their chance to assert their constitutional right to bear arms.

Saturday night posters appeared in the city, calling for a meeting at the foot of Canal street, at the Clay statue, on Monday morning, September 14.⁷² The following article, signed by forty-two individuals and ten business establishments, appeared in the Sunday morning issue of the *New Orleans Bulletin*:

CITIZENS OF NEW ORLEANS

For nearly two years you have been the silent but indignant sufferers of outrage after outrage—heaped upon you by a usurping Government.

One by one your dearest rights have been trampled upon, until, at last, in the supreme height of its insolence, this mockery of a Republican Government has dared even to deny you that right so solemnly guaranteed by the very Constitution of the United States, which, in article two of the amendments, declares that "the right of the people to keep and bear arms shall not be infringed."⁷³

In that same sacred instrument, to whose inviolate perpetuity our fathers pledged "their lives, their fortunes and their sacred honor, it was also declared that even Congress shall make no law abridging" the right of the people peaceably to assemble and to petition the Government for a redress of grievances. It now remains for us to ascertain whether this right any longer remains to us.

We, therefore, call upon you on MONDAY MORNING, the 14th day of September, 1874, to close your places of business, without a single exception, and at 11 o'clock a.m.

⁷⁰ *New Orleans Bulletin*, Sept. 9, 1874; *New Orleans Times*, Sept. 9, 1874.

⁷¹ *New Orleans Times*, Sept. 11, 1874. In a case arising from these seizures, Guyol vs. Badger et als, Ellis appeared as one of three attorneys for the plaintiff. A sentence of the defendants to twenty-four hours in prison upon their conviction resulted in an immediate pardon by Kellogg.

⁷² *New Orleans Republican*, Sept. 15, 1874. For an account of the entire incident, see Lonn, *Reconstruction in Louisiana after 1868*, 270-275.

⁷³ Kellogg attempted to answer this charge with the interpretation that this guarantee was extended only to members of the militia.

to assemble at the CLAY STATUE, on Canal street, and in tones loud enough to be heard throughout the length and breadth of the land, DECLARE THAT YOU ARE OF RIGHT, OUGHT TO BE, AND MEAN TO BE, FREE.

The reponse of this plea left no doubt as to the temper of the New Orleanians. R. H. Marr, of the Committee of Seventy, called the meeting to order shortly before noon, read a number of resolutions, and made a speech to the crowd. Thereupon, in accordance with one of the resolutions, a committee of five was appointed to wait upon Kellogg and secure an immediate answer to their demand that he resign.⁷⁴ The meeting was then addressed by Ellis, "who delivered a telling speech, and wound up by telling the people to remain on Canal Street and await the receipt of the report of the committee, when they would be advised what to do."⁷⁵ Upon the refusal of Kellogg to receive the committee, which, he said, represented an armed body, the crowd was advised to go home, arm themselves, and return to the same place at two o'clock in the afternoon.

All of this was reported to General A. S. Badger, Commander of the Metropolitan Police, who was at Jackson Square police station with his forces. Shortly after midafternoon, he moved his forces into position on Canal street near the Customs House and established a Gatling gun and three small howitzers on the levee. Within a short time a general engagement took place which lasted for only ten or fifteen minutes. As the police became demoralized, they retreated towards the Customs House and Jackson Square, where they took refuge, but not before General Badger had received three wounds,⁷⁷ which proved serious, though not fatal. In their first engagement, the White Leaguers had proved victorious.

But there was still a great deal to do, and the activity of the Democrats was feverish. Ellis, as colonel in the Louisiana State Militia, and adjutant general of the First Division,⁷⁸ had taken an active part in the military affairs of the day. "I was up seventy two hours without sleeping and in 4 days and nights I slept 5 hours. As [Lieutenant-Governor D. B.] Penn's secretary & Adjutant all the work of organizing fell upon me & I had to

⁷⁴ *New Orleans Bulletin*, Sept. 15, 1874; *New Orleans Republican*, Sept. 15, 1874.

⁷⁵ *New Orleans Bulletin*, Sept. 15, 1874.

⁷⁶ *Ibid.*; *New Orleans Republican*, Sept. 15, 1874.

⁷⁷ *New Orleans Bulletin*, Sept. 15, 1874; *New Orleans Republican*, Sept. 15, 1874.

⁷⁸ Commission by John McEnery, Governor of the State of Louisiana, Feb. 28, 1873.

work night and day."⁷⁹ Penn, acting in the absence of Governor McEnery, issued a number of proclamations, calling on the militia to assemble and drive out the usurper, assuring the Negroes that they were not the object of the action by the whites, and offering life and liberty to the Metropolitan Police who would lay down their arms.⁸⁰

Military action was not yet finished, however. Small detachments of the police were taken early Tuesday morning. About eight o'clock the State House was voluntarily surrendered, its occupants having fled to the Customs House, which was guarded by newly arrived Federal troops, and at 8:30 the last of the police, those at Jackson Square station, were surrounded and paroled. With the State House cleared of the Kellogg government, the Democratic officers began to resume their duties.⁸¹

New Orleans presented a festive air all day Tuesday. Stores were closed, and the citizens paraded the streets,⁸² leaving no doubt as to the position they took in the matter, no matter what the rest of the state thought. Following a review of the troops by commander of the militia, General F. N. Ogden, Lieutenant-Governor Penn was escorted from his residence on St. Charles street to the State House to be inaugurated anew. Following the ceremonies, Penn addressed the assemblage. Marr then spoke and was followed by Ellis,⁸³ who commended the citizens for their effective action and their self-control following their victory. He concluded with the following: "Fellow-citizens, I have done talking to you. Now go to your homes; pursue your peaceful avocations; for in the bright, magnificent future which is before us, I see no gathering of a single cloud."⁸⁴

Whether he could see it or not, a cloud was there. On the fourteenth, United States Marshall S. B. Packard announced that troops were on their way to New Orleans from Holly Springs, Mississippi, and others were to proceed from Alabama.⁸⁵ The very train which brought John McEnery⁸⁶ to the city also brought Major General W. H. Emory.⁸⁷ McEnery, in addressing the crowd

⁷⁹ E. J. Ellis to T. C. W. Ellis, Sept. 21, 1874.

⁸⁰ *New Orleans Bulletin*, Sept. 15, 1874.

⁸¹ *New Orleans Times*, Sept. 16, 1874.

⁸² *New Orleans Bulletin*, Sept. 16, 1874.

⁸³ *Ibid.* For the text of Ellis' speech see Appendix A.

⁸⁴ *New Orleans Bulletin*, Sept. 16, 1874.

⁸⁵ *New Orleans Times*, Sept. 14, 1874.

⁸⁶ Ellis characterized him thus: "Brave and honest and true hearted he lacks the qualities of a leader. He shrinks from responsibility." E. J. Ellis to T. C. W. Ellis, May 30, 1873.

⁸⁷ *New Orleans Republican*, Sept. 17, 1874.

which had gathered to greet him, said he was glad to see the change which had taken place during his absence, a change which only one power could undo,⁸⁸ and General Emory represented that power. On September 15 President Grant had issued a proclamation ordering the citizens of New Orleans to disperse within five days and cease resisting the state authorities.⁸⁹ Heretofore, Grant had never taken any definite action to establish the validity of either of the rival governments; his position was now clear, though it was only wishful thinking on the part of the Democrats when they thought he might act differently. Even yet, optimism would not down, and for a short time hopes were still maintained that Grant's proclamation would not be enforced.⁹⁰ On the sixteenth Kellogg received confirmation of the President's intention to enforce his proclamation,⁹¹ and on the following day he was restored to office.

General Emory issued an order to Governor McEnery and Lieutenant-Governor Penn to surrender the State House to Brigadier General J. R. Brooke.

I was present at our surrender. It was a very sad scene. As the Adjutant General I recd Gen Brooke of the USA. McEnery & his officers clustered about him all in civilian garb; Gen Brooke and staff brilliantly uniformed; then came the formal demand in the name of the U S Govt. McEnery with husky broken voice all trembling with emotion read his reply. You have doubtless read it.⁹² Brave men were soft as children then. The soldier was there seated in the Governors chair and we all quietly withdrew and proceeded up Royal Street to Canal. Men stood by with stern sad faces & women wept the decline of our brief day of liberty. Yet we stand higher today as a people than ever before. A people that knows how to be firm in council, terrible in war, and in the very hour of victory calm, moderate, magnanimous—is a great, grand-hearted people. Such will the world call us and the world will say we "deserve to be free" we "are capable of self Govt."⁹³

McEnery and Penn then issued a proclamation, giving the facts of the surrender, and commanding the citizens to disperse.⁹⁴ Though rumors continued to the effect that the Radicals were

⁸⁸ *New Orleans Times*, Sept. 17, 1874.

⁸⁹ *New Orleans Republican*, Sept. 16, 1874; *New Orleans Bulletin*, Sept. 16, 1874.

⁹⁰ *New Orleans Bulletin*, Sept. 16, 1874.

⁹¹ Telegram from J. R. West to W. P. Kellogg, Sept. 16, 1874.

⁹² His speech was fully reported in the *New Orleans Bulletin*, Sept. 18, 1874.

⁹³ E. J. Ellis to T. C. W. Ellis, Sept. 21, 1874.

⁹⁴ *New Orleans Bulletin*, Sept. 18, 1874; *New Orleans Republican*, Sept. 18, 1874.

willing to have Kellogg resign and conduct a new election,⁹⁵ naturally nothing came of them, for Kellogg was now assured of the support of the Federal troops. The Conservatives had no intention of beginning the Civil War all over again, so they had no alternative but to retire from the uneven contest.

Ellis expressed the opinion—which he soon abandoned—that the Democrats and Conservatives should withdraw from the election and take no part in it.⁹⁶ Conference committees which had to iron out differences between the opposing parties were unable to reach an agreement in regard to the "character & constitution of the Returning Board. They (the Radicals) insisted that of the five members, three should be pronounced Republicans & we insisting on 2 of our people, 2 Rads & the fifth man to be chosen by the four and acceptable to all." He expressed the opinion that there would be no fraud in New Orleans, for the polls would be closely watched. He felt confident of his own election, despite his doubts in regard to the ticket as a whole, for Dibble was not liked in New Orleans, and he (Ellis) had made a deal with the Negro candidate for the Senate from St. James parish whereby each would swing his supporters to the support of the other. This assured Ellis a substantial country vote.⁹⁷

The remainder of the campaign required his utmost efforts, for his district covered a large area, parts of it being almost inaccessible.⁹⁸ On his last trip to lower Jefferson parish, John hired a small steamer to take him to keep his appointments and did a little fishing in the Gulf of Mexico near Grand Isle. With registrations of whites outnumbering Negroes by several thousand in his district,⁹⁹ his only fear was that the names of his supporters would be struck from the registry rolls just before the election.¹⁰⁰ In the company of Colonel Eugene Waggaman, R. L. Gibson, and others, a series of meetings was held in the river towns north of New Orleans.¹⁰¹ Ellis' last rallies were held in St. James parish,¹⁰² and then there was nothing to do but await the results.

Following an usually quiet election,¹⁰³ conflicting claims were immediately made by the party organs, though both sides agreed

⁹⁵ *New Orleans Bulletin*, Sept. 18, 1874; *New Orleans Times*, Sept. 18, 1874.

⁹⁶ E. J. Ellis to T. C. W. Ellis, Sept. 21, 1874.

⁹⁷ *Ibid.*, Sept. 24, 1874.

⁹⁸ *New Orleans Bulletin*, Oct. 20, 1874.

⁹⁹ *New Orleans Daily Picayune*, Oct. 25, 1874.

¹⁰⁰ E. J. Ellis to T. C. W. Ellis, Oct. 25, 1874.

¹⁰¹ *New Orleans Daily Picayune*, Oct. 25, 1874.

¹⁰² *New Orleans Bulletin*, Oct. 20, 1874; E. J. Ellis to T. C. W. Ellis, Oct. 25, 1874.

¹⁰³ *New Orleans Republican*, Nov. 3, 1874.

that the Democratic city ticket had won.¹⁰⁴ Quickly the Republicans gave up all claims to the first and second Congressional districts.¹⁰⁵ On November 5 John wrote his brother that he had been working night and day since the election, "watching, counterplotting &c &c and laboring to defeat the machinations of these scoundrels. . . . Dibble concedes his defeat as also the Republican & their State Central Committee & from what I can hear today Kellogg will award me the certificate and there will be no contest." However, the issue of the *New Orleans Republican* of that same day stressed the fact that no figures were final and that all were subject to revision by the Returning Board.

Democrats soon became apprehensive over the delay in the convening of the Returning Board.¹⁰⁶ Its first meeting was held November 11, with J. Madison Wells in the chair.¹⁰⁷ Despite its admittedly Republican cast, it finally completed the count for Congressman from the Second Congressional District, giving Dibble 11,088 votes to 13,864 for Ellis.¹⁰⁸ Dispatches from the Democratic agent in Washington had indicated that Grant would not attempt to interfere with the results,¹⁰⁹ so Ellis could feel fairly secure. He had fallen short of his goal of a four thousand majority, but the margin of victory was large enough for safety.

CHAPTER V TO THE END OF RECONSTRUCTION

Still there was no end to political strife. By early December it was clear that the Returning Board had no intention of returning the Democratic candidates.¹ On December 24 the Board had its final meeting, and the final group of official returns was published on Christmas day.² The House of Representatives was given fifty-two Democratic and fifty-four Republican members, with the House to decide who had been victorious in a number of parishes.³ It was thought that a little "persuasion" would prevent the attendance of about ten Republican members when the new legislature met, so that the Democrats and Conservatives would be able to organize the House.⁴ Apparently this ruse would

¹⁰⁴ *Ibid.*; *New Orleans Bulletin*, Nov. 3, 1874.

¹⁰⁵ *New Orleans Republican*, Nov. 4, 1874.

¹⁰⁶ *New Orleans Bulletin*, Nov. 10, 1874.

¹⁰⁷ *Ibid.*, Nov. 12, 1874; *New Orleans Republican*, Nov. 12, 1874.

¹⁰⁸ *New Orleans Republican*, Nov. 28, 1874.

¹⁰⁹ E. J. Ellis to T. C. W. Ellis, Nov. 20, 1874.

¹ E. J. Ellis to T. C. W. Ellis, Dec. 4, 1874.

² *New Orleans Republican*, Dec. 25, 1874.

³ *New Orleans Bulletin*, Dec. 25, 1874.

⁴ E. J. Ellis to T. C. W. Ellis, Dec. 31, 1874.

have worked, if the military had not been used to undo the election of a Democratic speaker, resulting in the withdrawal of the Democratic members of the House.⁵

In the meantime a sub-committee of the Select Committee of Seven, appointed by the United States House of Representatives to investigate the Louisiana election, had been taking testimony in New Orleans.⁶ The preliminary report of this committee favored the Democratic-Conservative elements.⁷ However cheering this might have been, New Orleanians did not allow their hopes to rise too high: "blessed are they who hope for nothing, for verily they shall not be disappointed."⁸ When the majority and minority reports of the committee had been submitted, and action finally taken, the recommendation was that Kellogg be recognized to the end of his term.⁹ A Conservative caucus, held February 5, seemed to be in favor of accepting this compromise, which bore the name of Representative William Wheeler of New York, a member of the Congressional investigating committee. This action immediately called forth a mass meeting at the historic Clay Statue, which, when it had been addressed by a number of prominent Democrats, including Ellis, went on record as being opposed to compromise in any form.¹⁰ Despite this, however, the compromise was accepted by the Conservatives by a narrow margin.¹¹ Another indignation meeting was held, this time at St. Patrick's Hall, which likewise assailed the compromise by means of a resolution prepared by a committee of which Ellis was chairman.¹² In the end, moderate council prevailed, and the compromise was consummated, leaving the Republicans in control of the Governor's office and the Senate, and Democratic-Conservative forces in command of the House of Representatives.¹³

With the increased business which was attracted to the Congressman-elect, and the continued political demands upon his time, it became necessary during the course of the year for John's brother Thomas to assist with the work in New Orleans.¹⁴

⁵ *New Orleans Bulletin*, Jan. 5, 1875.

⁶ *Ibid.*, Jan. 3, 16, 1875; Bone, Mrs. Fanny Z. Lovell, "Louisiana in the Disputed Election of 1876," *Louisiana Historical Quarterly*, XIV (July, 1931), 423.

⁷ Lonn, *Reconstruction in Louisiana after 1868*, 321.

⁸ Mrs. E. J. Ellis to Mrs. E. P. Ellis, Jan. 12, 1875.

⁹ Lonn, *Reconstruction in Louisiana after 1868*, 326.

¹⁰ *New Orleans Bulletin*, Feb. 7, 1875. For Ellis' speech and the text of the resolution adopted, see Appendix B.

¹¹ *Ibid.*, Feb. 25, 1875.

¹² *Ibid.*, Feb. 27, 1875. For the text of the resolution see Appendix C.

¹³ Lonn, *Reconstruction in Louisiana after 1868*, 368-378.

¹⁴ T. C. W. Ellis to his wife, Jan. 3, 1875; to his son, J. H. Ellis, Dec. 8, 1875; Mrs. E. J. Ellis to Mrs. E. P. Ellis, Oct. 8, 1875 and Nov. 13, 1875.

Colonel Eugene Wagaman appointed John his attorney at \$5,000 a year in December, 1874.¹⁵ Soon after this the two brothers formed a partnership with John McEnery, and moved their office to 55 Camp Street.¹⁶ Work continued heavy into the fall,¹⁷ when sounds of an approaching election were heard once more.

On August 19 the Democratic State Central Committee met to consider issuing a call for a state convention.¹⁸ However, no action was taken by the committee, doubtless because it considered the time too early for such a move, which led certain Democratic leaders in the county parishes to issue a call independently of the committee.¹⁹ In the meantime Democratic clubs were being organized in preparation for the election which was more than a year away. John was the principal speaker at the organization meeting of the Third Ward Democratic Club, which was established in Amite.²⁰ He also took part in a gala celebration on the first anniversary of the Battle of September 14.²¹

John's health became poor in the fall,²² probably due to overwork. When time came to leave for Washington, he suffered from pains in the heart and a numbness of the left side,²³ doubtless the beginnings of heart trouble which eventually caused his death. The change of climate seemed to do him good, however, for his health improved when he got to Washington,²⁴ which he termed a "one horsed city."²⁵

When the forty-fourth Congress opened, December 6, 1875, the Clerk announced that sets of certificates for Louisiana had been sent in by both William P. Kellogg and John McEnery, with districts one through four identical. As there was no contest, John was sworn in on the same day²⁶ and assigned to a seat on the east side of the chamber, next to the representative from the first district, Randall L. Gibson.²⁷ When committee assignments were made, he was placed on the Committee on War

¹⁵ E. J. Ellis to T. C. W. Ellis, Dec. 4, 1874.

¹⁶ T. C. W. Ellis to his wife, Jan 3, 1875.

¹⁷ Mrs. E. J. Ellis to Lizzie Ellis, Nov. 13, 1874.

¹⁸ *New Orleans Bulletin*, Aug. 20, 1875; *Bone, loc. cit.*, 434. The latter work is a valuable treatment of the Louisiana aspects of this election.

¹⁹ *New Orleans Bulletin*, Sept. 16, 1875.

²⁰ *Amite City Democrat*, Sept. 14, 1875.

²¹ *New Orleans Bulletin*, Sept. 15, 1875.

²² Mrs. E. J. Ellis to Lizzie Ellis, Nov. 13, 1875.

²³ Mrs. E. J. Ellis to Mrs. E. P. Ellis, Dec. 14, 1875.

²⁴ *Ibid.*

²⁵ E. J. Ellis to T. C. W. Ellis, Dec. 5, 1875.

²⁶ *Congressional Record*, 44 Cong., 1 Sess., 167.

²⁷ *Ibid.*, index, 7; Mrs. E. J. Ellis to Mrs. E. P. Ellis, Dec. 14, 1875.

Claims, and was made chairman of the Select Committee on the Mississippi Levees,²⁸ where he was in a position to be of inestimable value to his constituents.

John was not slow to take an active part in the party councils and to form an opinion of his colleagues.

Have met and been introduced to all the leading Democrats. I find them pleasant and agreeable fellows. But their proportions dwindle when you get close to them. I believe that Louisiana's delegation is far above the average in point of ability and culture. . . . I believe that I am up to the average Congressman and find myself very well at home with my surroundings. I am green of course but so are about 180 of the members. Most of them seem about 45 years of age but there are some grey heads and some young looking. I am perhaps the youngest member of the body. I made a little speech in the caucus. I felt easy and self possessed and without effort filled the hall with my voice. The Northern Democrats seemed delighted with the conduct and bearing of the members from the South.

But he was uneasy over the attitude of the northern Democrats in regard to the situation in Louisiana. Even the best informed of them considered the conflict closed by the Wheeler compromise, though one of the chief objectives of the Louisiana delegation was to obtain recognition of McEnery.²⁹

One of the first acts of the new Louisiana Congressman was an attempt to seat William B. Spencer from the fifth district, whose election was contested by Frank Morey, and at the same time call the validity of the Kellogg government into question. Plans were laid at the Democratic caucus for accomplishing this.³⁰ But when the question was raised on the floor of the House, some of the leading Republicans objected that it constituted a reopening of the Louisiana question, which it had been agreed by the Louisiana delegation at the end of the previous Congressional session would not be reopened. In the resulting confusion among the Democrats, Morey's credentials alone were referred to the Committee on Privileges and Elections.³¹

Shortly thereafter, Ellis returned to New Orleans to attend a Democratic-Conservative convention, which was called for the chief purpose of securing such an investigation of the election of

²⁸ *Congressional Record*, 44 Cong., 1 Sess., 250-251.

²⁹ E. J. Ellis to T. C. W. Ellis, Dec. 5, 1875.

³⁰ *Ibid.*

³¹ *Official Proceedings of the Conservative Democratic Convention, Begun and Held in the City of New Orleans, La., January 5th, 1876*, 8.

1872 as would seat McEnery.³² Being in attendance at the evening session on the first day, January 5, he was called upon to explain "the real status of the Louisiana case at Washington."³³ At the conclusion of his speech, Mr. A. H. Leonard of Caddo Parish asked Mr. Ellis on the credentials of what Governor he procured his seat in Congress. He replied: "I filed the credentials of both Kellogg and Gov. John McEnery, but if I could only have procured it on filing credentials from the usurper Kellogg alone, I would have torn the paper to pieces and have made the contest on the votes of my constituents, my best credentials."³⁴

Soon afterwards, he was hard at work in Washington,³⁵ representing not only his own district, but also looking after the interests of Democratic residents of districts represented by Republican members.³⁶ During the course of the session he introduced a total of twenty-seven bills and presented seventeen petitions,³⁷ but he did not court attention by frequently taking part in debates on the floor of the House.

During the early part of the session, as indeed during all of it, his thoughts were occupied a great deal with the situation in Louisiana,³⁸ but as the session wore on he became convinced that the best policy was to refrain from opening the question again. It was a hard choice to make, for it appeared that he would be lost in Washington if he acted and in Louisiana if he did not.³⁹ The opposition he had encountered, even from members of his own party,⁴⁰ had given him a taste of the bitter in public life. "I am tired of public life, very sorry that I ever made a public speech or ever accepted a public trust."⁴¹ His chief fear was that he would be unable to perfect his levee scheme for controlling Mississippi River floods, before he was forced to retire from Congress due to the dissatisfaction of his constituents.⁴²

The government had soon revealed itself as a "vast machine and it takes hard work and a good deal of experience to learn

³² Lonn, *Reconstruction in Louisiana After 1868*, 384.

³³ *Official Proceedings of the Conservative Democratic Convention, Begun and Held in the City of New Orleans, La., January 5th, 1876*, 8. For a full statement of his speech to the convention, see Appendix D.

³⁴ *New Orleans Bulletin*, Jan. 6, 1876.

³⁵ For some unexplained reason, he was not allowed a secretary, though this was customary. E. J. Ellis to T. C. W. Ellis, Feb. 1, 1876.

³⁶ *Ibid.*, Jan. 17, 1876.

³⁷ *Congressional Record*, 44 Cong., 1 Sess., index, 265.

³⁸ E. J. Ellis to T. C. W. Ellis, Feb. 1, 1876; Feb. 28, 1876; Mar. 16, 1876.

³⁹ *Ibid.*, Feb. 28, 1876.

⁴⁰ At times he and Gibson, "the General," did not get on well together. *Ibid.*, April 28, 1876.

⁴¹ *Ibid.*, Feb. 28, 1876.

⁴² *Ibid.*, April 28, 1876.

how to work here."⁴³ But soon Ellis had learned how to work and was ceaselessly occupied with the endless affairs of his office.⁴⁴ After a few months of observing the other members of the House he felt that he would be able to make a reputation for himself: "I would not fear to speak with any of these people."⁴⁵

Financial worries were never far away. John left New Orleans in debt to the amount of \$2,800, and in January made arrangements with his brother Thomas to pay it when due.⁴⁶ Previous unfortunate business ventures prompted him to try to live on the \$5,000⁴⁷ salary which he received,⁴⁸ but he found what many had found before him, that Congressmen were hard put to it to live the life of an important public official and maintain a family on the salary provided. Early in February he made an effort to aid the business of his law firm by attempting to secure some of the whiskey fraud business for it. He urged his brother to charge a big fee, if he succeeded in getting the business.⁴⁹

With the close of the Congressional session John threw himself into the political activities of his state. In July he attended the convention in Baton Rouge, at which Francis T. Nicholls was nominated for Governor, and at which he was renominated by the second district.⁵⁰ Shortly afterwards, he began to take an active part in the canvass, speaking frequently at various Democratic meetings.⁵¹

It was during this campaign that the Republicans tried an ingenious plan for disfranchising the Democratic voters. The *Daily Picayune* for October 27 first revealed to the public that advertising circulars had been addressed to all registered Democrats in the city, and the names appearing on all that returned as undelivered were to be struck from the registration rolls. It was claimed that mail carriers were instructed not to be particularly anxious to find the addresses. Ellis himself was struck from the rolls by this procedure.⁵²

⁴³ *Ibid.*, Feb. 5, 1876.

⁴⁴ *Ibid.*, April 13, 1876.

⁴⁵ *Ibid.*, Mar. 24, 1876.

⁴⁶ E. J. Ellis to Oliver Ellsworth, Jan. 18, 1876; to T. C. W. Ellis, Jan. 18, 1876.

⁴⁷ During the entire time Ellis served in Congress, the salary was fixed at this amount, though certain allowances for expenses were made, including \$1,200 per year for a private secretary. Reinsch, Paul S., *American Legislatures and Legislative Methods*, 22.

⁴⁸ E. J. Ellis to T. C. W. Ellis, Jan. 18, 1876.

⁴⁹ *Ibid.*, Feb. 5, 1876.

⁵⁰ T. C. W. Ellis to his wife, July 22, 1876; New Orleans *Daily Picayune*, July 27 and 28, 1876. Dibble was Ellis' Republican opponent once more.

⁵¹ New Orleans *Daily Picayune*, Aug. 3 and Oct. 26, 1876.

⁵² Lonn, *Reconstruction in Louisiana after 1868*, 429.

Claims and counterclaims were, as usual, made following this famous election. But as was true in 1874, nothing was final and official until the Returning Board had completed its work. It began its meetings on November 16, and the proceedings were marked by fraud and bribery.⁵³ When the official returns were released on December 6, Ellis was allowed a majority of 2,101 over Dibble,⁵⁴ though almost 600 of his votes had been thrown out by the Board.⁵⁵ However, the Board declared Packard and Hayes the victors in the races for Governor and President, "by arbitrarily and fraudulently rejecting more than ten thousand Democratic votes duly cast and returned. . . ."⁵⁶

By the time the official returns were released, John was once more in Washington to attend the second session of the forty-fourth Congress, which opened December 4, 1876.⁵⁷ His position there was of great strategic importance. He was one of three Representatives from Louisiana whose right to sit in the national Congress was not questioned, and was therefore in a position to speak and look out for the interests of those, especially Nicholls, who had been counted out by the Returning Board. It was a critical time for the state. Although the evidence pointed to a Democratic victory, despite the action of the Returning Board, it was of vital importance that no incident disturb the peace in Louisiana, giving the wavers of the "bloody shirt" new grist for their mill.

Continuing to deny his defeat, Nicholls was inaugurated at St. Patrick's Hall on the same day that Packard was inaugurated at the State House.⁵⁸ One week later, he dispatched Major E. A. Burke to Washington to act as his personal representative.⁵⁹ In Burke's own words, Nicholls instructed him "to ascertain fully the situation of affairs at Washington; the disposition of the national administration towards his [Nicholls'] State government; to ascertain definitely what demands would be made upon him or upon our legislature; and to keep him fully advised as to all occurrences affecting the interests of the State government; also to represent the condition of affairs and the interests of the government to the best of my ability. . . . I will add that the

⁵³ *Ibid.*, 445-460.

⁵⁴ *New Orleans Republican*, Dec. 6, 1876.

⁵⁵ Burke, E. A., *Statements of Facts Relating to the Election in Louisiana, November 7th, 1876*, 37.

⁵⁶ *House Report* no. 140, 45 Cong., 3 Sess., 23.

⁵⁷ *Congressional Record*, 44 Cong., 2 Sess., 3.

⁵⁸ *New Orleans Daily Picayune*, Jan. 9, 1877.

⁵⁹ *House Misc. Doc.* no. 31, 45 Cong., 3 Sess., pt. 3, p. 601.

governor also instructed me to confer and act with the managers and representatives of the national Democratic interests at Washington."⁶⁰ At the same time, the elected Representatives continued to bend every effort in espousing the cause of Nicholls.⁶¹ From December through February Ellis alone saw President Grant more than fifty times.⁶²

Most of the second session of the forty-fourth Congress was consumed in completing the election of a president. The general outline of the proceedings is common knowledge. Though Ellis cast his vote in favor of creating the Electoral Commission, his later judgment was that he had helped create a "mere national Returning Board. . . . My vote for that bill is the one act of my brief public career which I deeply regret. I opposed, disliked it, distrusted it and then permitted myself to be cajoled into voting for it as a 'peace measure.'"⁶³

Early in January Ellis was of the opinion that the Democratic candidate would be victorious,⁶⁴ but sometime during the month of February he, and apparently his colleagues as well, gave up the fight for Tilden. Whether with justice or not, he blamed Tilden for allowing the Republicans to out-maneuver the Democrats. "Timidity and cowardice has lost us the triumph we won. The great New York leader has proven himself without a plan or policy. His chosen agents were men without capacity, or brains, or nerve." Thereafter the fight was to be for Nicholls and the state government. But he still distrusted the Republicans in spite of their profuse promises. "He [Hayes] has promised nothing. I believe his friends are lying in order to chain and disarm the Democratic party and particularly the men of the South."⁶⁵ Because he held this opinion, Ellis, despite the decision of the Democratic caucus on February 17 that the count should be allowed to proceed,⁶⁶ decided to continue with the organization of a filibuster which had begun on the 16th, in order to force some kind of guarantee from the Republicans. Burke later stated that the number of filibusters was increased from forty when

⁶⁰ *Ibid.*, 602.

⁶¹ Lonn, *Reconstruction in Louisiana after 1868*, 494.

⁶² *House Misc. Doc.* no. 31, 45 Cong., 3 Sess., pt. 3, p. 597. In fact, it was Grant in the end who suggested the policy to follow in getting the Nicholls government recognized: steadily preserving the peace, Nicholls should quietly collect taxes, which would not be considered as altering the status quo. *Ibid.*, 598.

⁶³ E. J. Ellis to his father, Feb. 25, 1877.

⁶⁴ *Ibid.*, Jan. 8, 1877.

⁶⁵ *Ibid.*, Feb. 25, 1877.

⁶⁶ *House Misc. Doc.* no. 31, 45 Cong., 3 Sess., pt. 3, p. 595.

it began, to 116 on February 26.⁶⁷ At this point the Republican leaders became worried lest the count not be finished before March 4, and decided to take action.⁶⁸

On February 20, L. Q. C. Lamar, a Congressman from Mississippi, told Ellis that he had been informed that a conciliatory speech made by Charles Foster had the approval of Hayes, and suggested that he go to Columbus, Ohio.⁶⁹ Upon request, Lamar reduced the substance of the conversation to writing, which was later shown to Burke. On February 26, Ellis sent an urgent message to Burke, asking that he come to see him at once.⁷⁰ Burke found him in the House, and was shown Lamar's letter and told that he had telegraphed Nicholls in regard to a trip to Columbus, receiving an unfavorable reply. Burke too was of the opinion that this would be unnecessary. He was satisfied as to Hayes' views on the Southern question, and thought it more important to get the approval of the Republican leaders. Guarantees by Hayes in the face of a hostile party would be worthless.⁷¹

Half an hour later Burke returned and told Ellis he had made arrangements for a meeting at the Wormley Hotel that night. The Democrats present at the conference were Burke, Ellis, Congressman Henry Watterson of Kentucky—who was to represent the interests of South Carolina—and perhaps William M. Levy of Louisiana, Burke and Ellis differing in their statements regarding the latter's presence. The Republicans present were Stanley Matthews, James A. Garfield, ex-Governor Dennison of Ohio, John Sherman, and Charles Foster.⁷² Upon asking why the filibuster was being carried on, Matthews was told that it was because of apprehension over what Hayes would do about removing the troops. Matthews said he thought he knew Hayes' views, though he could not speak for him. He was, himself, for returning the states to their own governments; he was tired of bayonet rule and thought Hayes' views were the same. He then exhibited a letter from Hayes to Foster thanking him for his conservative speech, in which he had said the flag was to fly over free states instead of provinces. Foster and Dennison

⁶⁷ *Ibid.*, 632.

⁶⁸ As a matter of fact, the count probably would have been completed anyway, since many of those who were filibustering would not take the responsibility of throwing the country into commotion. This fact was, of course, kept from the Republicans. *Ibid.*, pt. 1, p. 990.

⁶⁹ *Ibid.*, pt. 3, p. 595.

⁷⁰ *Ibid.*, p. 618.

⁷¹ *Ibid.*, 595, 619. Haworth, Paul Leland, *The Hayes-Tilden Election*, 269-272, gives a discussion of the activities preceding, during, and after the conference. This is the standard work on the general aspects of the election.

⁷² *House Misc. Doc.* no. 31, pt. 3, pp. 595, 620.

continued in the same vein, though none claimed to speak for Hayes. Ellis then asked Sherman for his views. He replied that he was in agreement with the views expressed. Matthews, in answer to a question, said Hayes could follow a policy of not recognizing either man in Louisiana, but for this policy to obtain it was necessary that they be assured the peace would be preserved, there would be no violence or bloodshed, and there would be no persecution for past political offenses. "We stated to him that holding the purse and holding the sword, as we knew we held both, we could guarantee almost anything on behalf of the State." Ellis then told the Republicans that he preferred Hayes to anarchy, and would suggest to his friends that the time for filibustering was past, and the count should be allowed to continue, though he could not guarantee their response to the suggestion.⁷³ The following telegram was then sent to Nicholls: "We assure peace, order, protection of law to white and black; no persecution for past political conduct; no immunity for crime. On the other hand, by gradual process, such methods as result in your full possession of the government of the State by withdrawal of troops, non-interference, revocation of military orders."⁷⁴

At a later date Ellis had occasion to make the following statement on the floor of the House regarding the Wormley conference, which is as clear and concise as any he appears to have made:

Mr. Chairman, in the very brief time allotted me, I cannot hope to say one-tenth of what I would like to say and at the first available occasion will say upon the question now under consideration. In the first place I desire to notice this charge of attempted sale of the Presidency of the United States. I desire to direct my attention to that charge, for it has fallen from Democratic lips as well as Republican lips. It has been mooted about all over the country; it has been in newspapers; and I desire here and now to pay my respects to it.

I happened to be in the Senate this morning when this question was sprung upon the House and when the gentleman from New York [Mr. Hewitt] laid some charge or some responsibility for a bargain at the door of the State of Louisiana and of those men who represented her honor and

⁷³ *Ibid.*, pp. 596-597.

⁷⁴ *Ibid.*, pt. 1, p. 980. It should be noted that Burke steadfastly maintained that there was no written agreement on the part of Hayes, that it was either verbal or contained a letter sent by Foster and Matthews to him, confirming the Wormley decisions. *Ibid.*, 981.

her interests.⁷⁵ Let me say, that any man who utters the assertion that Louisiana or any Representative of Louisiana or any authorized agent of Louisiana ever for one moment bartered, or sought to barter, or entertained a proposition to barter away the interests of the democratic party or the interests of the whole people of the Union as involved in the election of Samuel J. Tilden to the Presidency, lies in his heart, lies in his foul throat.

Mr. Chairman, when the electoral commission had solemnly adjudicated the cases of Oregon, Louisiana, and Florida, the three cases which were the salient points of that whole controversy—when it was no longer a matter of doubt what the decision of that tribunal would be, when it was no longer a matter of doubt whether the strong arm of the democratic party through an elective Executive could stretch forth and shelter those two orphaned and cowering States, cowering so long beneath the whip and scourge of radical despotism and radical persecution—it was in that hour that a few of the Representatives of Louisiana took counsel together. I was among those who began this filibustering movement, determined to defeat this wrong if I could; and I was aided by sixty or seventy Representatives upon this floor. It was then that the celebrated Wormley Hotel conference was held, at which the South was represented by Mr. E. A. Burke, by Henry Watterson of Louisville, and by myself, and the republican party by the gentlemen from Ohio, Mr. Garfield and Mr. Foster, by a gentleman who had no seat here, Ex-Governor Dennison, by Senator Matthews, of Ohio, and by the present Secretary of the Treasury, (then a Senator) Mr. Sherman. These were the men who gathered at that conference. There was no bargain, there was no talk of bargain. The only matter that transpired on that evening was an interchange of views eliciting on our part from these chosen, well recognized, close friends of Mr. Hayes his views with regard to those two States. These gentlemen pledged nothing for Mr. Hayes; they bound him to no promise. The language they held to us was, "We know him; we know the language of his letter of acceptance. We know his sentiments with regard to the South; we know he believes in self-government in those States, and without speaking authoritatively for him we yet say to you in our opinion he will give the blessings of the free government to those two States; and he will lift them from the blood and the dust of their corruption; and in the language of Mr. Foster, of Ohio, the flag shall again float there over free States and no longer over conquered and abject provinces."⁷⁶

⁷⁵ Later in the day he desired to withdraw his statements regarding Mr. Hewitt, for he had been misinformed about his statements.

⁷⁶ *Congressional Record*, 45 Cong., 2 Sess., 1011.

On the following day Burke made a full statement to the Associated Press, "in which he held that the original parties were bound not to divulge anything concerning the arrangement except for violated faith, which had not yet occurred."⁷⁷ Levy made a speech in the House, in which he stated that he was withdrawing from the filibuster; others gradually dropped out and the count proceeded.⁷⁸ A telegram arrived from Nicholls on the same day, stating that a caucus in New Orleans had agreed to the points of the Wormely agreement.⁷⁹ Another message was sent to Nicholls, signed by Burke, Levy, and Ellis, but written by the latter, stating that "a prominent Republican" had informed them that Grant was going to remove the troops from the vicinity of the Louisiana State House and rescind his orders to maintain the *status quo* as soon as the count was finished. The informant was Matthews, who had been authorized by Grant to transmit the information to the Louisianians.⁸⁰

Early on the morning of March 2 the following message was sent to Nicholls by Burke: "Hayes & Wheeler declared elected, 4:15. Protect your government in all branches until we see the President." On the same day Grant issued an order that troops were not to be used, and that neither side was bound to the *status quo*.⁸¹ However, Sherman urged that Nicholls' government proceed slowly in taking over the state offices, as Hayes would have great difficulties to overcome,⁸² referring, no doubt, to the more extreme Republicans.⁸³

Despite the agreement that had been reached, Ellis was distrustful of Hayes. His wife wrote to his sister on March 21, that she hoped they would soon leave for home.

John did not think it his duty to leave until Hayes had done something more than give his promise that the troops should be withdrawn from our State, and today, from the interview which John [] Gen Gibson []⁸⁴ & Col Levy had with him they very much fear he will not keep his word to us. John has just written a protest against the commission which Hayes says he thought of sending to *investigate* affairs in La.—and our delegation has gone tonight to take

⁷⁷ Lonn, *Reconstruction in Louisiana after 1868*, 519.

⁷⁸ *House Misc.*, Doc. no. 31, 45 Cong., 3 Sess., pt. 3, p. 597.

⁷⁹ *Ibid.*, 622.

⁸⁰ *Ibid.*, 623.

⁸¹ *Ibid.*, 626.

⁸² *Ibid.*, 630.

⁸³ *Ibid.*, 628.

⁸⁴ Gibson had not taken part in the Wormley conference because of illness. Lonn, *Reconstruction in Louisiana after 1868*, 509.

it to the President. I try to be hopeful, but somehow I can't put my trust in that man Hayes. He was very much agitated today, and I fear is too weak to withstand the pressure brought to bear upon him, by his Cabinet, and the Republican party generally. I hope that time will prove that I do him an injustice but it provokes me beyond measure when I think that his deceitful course will bring such bitter disappointment to our devoted long tried people. . . .

And then she added her own personal grievance, "besides this, to come nearer home, it has kept us from going to our precious pet babies. . . ." ⁸⁵

However, Ellis' fears proved to be unjustified. Packard's government was allowed to disintegrate, and he withdrew from the state.⁸⁶ Reconstruction had finally been brought to an end.

CHAPTER VI YEARS IN CONGRESS

With so much of John's time taken up with his Congressional duties, it soon became apparent that the New Orleans legal practice could not be handled adequately under existing arrangements. Accordingly, early in 1877, his brother Thomas made arrangements to move to New Orleans,¹ a move which met with John's approval.² Additional business which had been brought to the firm through his efforts gave promise of putting it on a prosperous footing, but his own financial worries appear to have continued unabated.³

Traveling on money borrowed from a client,⁴ John arrived in Washington for the opening of the forty-fifth Congress, October 15, 1877.⁵ At the opening session the clerk announced that he had three sets of credentials from Louisiana, but since only the ones signed by Francis T. Nicholls, as governor, and Oscar Arroyo, as assistant secretary of state, were in good order, they were accepted, and this decision was not questioned at the time.⁶ Ellis' committee appointments this time were to those on elections and Revolutionary pensions,⁷ the former obliging him to spend a great deal of time in studying law in order to dis-

⁸⁵ Mrs. E. J. Ellis to Mary E. Ellis, Mar. 21, 1877.

⁸⁶ Lonn, *Reconstruction in Louisiana after 1868*, 523-525.

¹ T. C. W. Ellis to his wife, Feb. 19, 1877.

² E. J. Ellis to his father, Feb. 25, 1877.

³ E. J. Ellis to T. C. W. Ellis, Oct. 28 and Nov. 1, 1877.

⁴ *Ibid.*, Nov. 1, 1877.

⁵ *Congressional Record*, 45 Cong., 1 Sess., 51.

⁶ *Ibid.*, 51-52.

⁷ *Ibid.*, 197.

charge his duties.⁸ His position at the head of the levee committee was given to another Louisiana man, Edward W. Robertson of the sixth district, and Ellis turned over his notes and papers to him.⁹

During the course of the session Ellis introduced a total of sixteen bills, most of them on behalf of the committees to which he belonged.¹⁰ But at least one of them was intended to provide improvements within his home state.¹¹ When Congressman Robertson's seat was contested by Charles E. Nash, Ellis took an active part in the proceedings. As a substitute for a resolution to remove Robertson's name and add Nash's to the roll of the House, he offered a resolution providing for the immediate swearing in of Robertson. A number of Representatives spoke in behalf of Nash, and then the balance of time, amounting to twenty-five minutes, was yielded to Ellis. When the question was put, the substitute resolution was carried; Robertson came forward and qualified.¹²

Ellis was opposed to the election of Samuel J. Randall, of Pennsylvania, as Speaker of the House, and he believed that Randall tried to punish him and others who voted against him.¹³ Randall did not fit his ideas of the needed leader, one who was willing to start a new line of action, though he suffer for doing it. "In this way the column is set in motion that though checked here, dying there, being sacrificed yonder, yet gathers strength from reverse and finally heads to victory. He is the statesmen and will be the best beloved and most honored man of the future who unites the West and South in a great political and commercial alliance and shakes off the shackles that the people of those sections have so long and so patiently worn in the service of the Monopolists and Manufacturers and bond holders of the east."¹⁴

As Ellis continued to observe the great figures of the nation about him in Washington, he began to have hopes of "achieving some reputation. Great men generally dwarf as you get near them and are not much larger than ordinary men." In November, 1877, he wrote his father that he had been campaigning in the neighboring states, and he had spoken from the same platform

⁸ E. J. Ellis to his father, Nov. 20, 1877.

⁹ *Ibid.*

¹⁰ *Congressional Record*, 45 Cong., 1 Sess., 178, 237, 355, 398.

¹¹ *Ibid.*, 355.

¹² *Ibid.*, 89-92.

¹³ E. J. Ellis to his father, Nov. 20, 1877.

¹⁴ E. J. Ellis to T. C. W. Ellis, Oct. 28, 1877.

with some of the most celebrated orators of the country, "and I believe I may tell you *confidentially* of course that they were not preferred to me."¹⁵

The relations of Louisiana to the national political scene continued to worry him. One of the New Orleans newspapers carried a bitter article against Stanley Matthews, and John warned his brother that such tactics were out of place. There was no use in trying to get the Republicans to do something for them when a "ceaseless torrent of abuse flows out from our home press. Our hopes of Spofford & Eustis is in Hayes and Matthews. Our hopes of levees and Pacific Roads and Brazilian Mail lines is in Hayes. Every consideration of interest dictates that we court and woo him. We will do this if the papers will aid us."¹⁶

Shortly after the second session of the forty-fifth congress opened,¹⁷ Ellis returned to Louisiana for a short visit.¹⁸ Seeing his family once more made him doubt the wisdom of his choice of public life. "I often think of myself as the greatest ass and fool in the world, to let a little pride of place, a little ambitious dream, separate me this way from my heaven on earth."¹⁹ But soon he was back at work, presenting bills on behalf of his committees and for his constituents.²⁰ On February 20 he delivered a speech on the contested election of Acklen vs. Darrall, ending with a plea that Louisiana be let alone.²¹

Once more doubts as to the wisdom of continuing in public life came over him. He wrote to his brother, "I wish I were rich and could stay here 4 or 6 years longer *for our material interests*. But I have about abandoned the idea of any further political life. It will be a scramble, it requires money, demagoguery &c &c."²² Projects which had either been begun or which he had in mind gave promise of prosperity in the future. "A great future is before our state and city. The deep water to the sea will make New Orleans a New York in twenty years. The R R connection to Texas and the free Mississippi will transfer to New Orleans the grain handling of the West. Mail lines to Brazil & direct

¹⁵ E. J. Ellis to his father, Nov. 20, 1877.

¹⁶ E. J. Ellis to T. C. W. Ellis, Nov. 29, 1877.

¹⁷ The session opened Dec. 3, 1877. *Congressional Record*, 45 Cong., 2 Sess., 8.

¹⁸ Mrs. E. J. Ellis to Mr. E. P. Ellis, Jan. 8, 1878; E. J. Ellis to T. C. W. Ellis, March 13, 1878.

¹⁹ E. J. Ellis to his mother, Jan. 31, 1878.

²⁰ *Congressional Record*, 45 Cong., 2 Sess., 27, 70-71.

²¹ *Ibid.*, 1220-1225.

²² E. J. Ellis to T. C. W. Ellis, Mar. 7, 1878.

trade with Europe (which deep water will give us) will make New Orleans the importer for twenty states and territories and the exporter of 9/10 of the cotton, tobacco [,] grain &c &c produced in America." Such a development, however, would require political peace, which Louisiana would have to maintain in order to reap the anticipated benefits.²³

Financial difficulties brought about an unfortunate—and apparently unique—quarrel between John and his brother Thomas. Since only the letters from John to Thomas have been preserved, it is impossible to determine definitely who was at fault, but it appears that each had just cause for complaint. When John left New Orleans on January 7, 1878, he left his wife enough money to run the household for a month,²⁴ and made arrangements with Thomas for payments to be made to her each month from the income of the firm.²⁵ For some reason these payments were not made. John made other arrangements for caring for his family until the end of the Congressional session, and wrote to his brother suggesting that their partnership, "in which I have been but a 5th wheel since I unfortunately permitted myself to drift into politics," be brought to an end.²⁶ He felt that he had been a burden, and it would be at least a year until he was able to help. "My course is plain. I shall leave political life after the 4th of March 1879 and devote myself to busniess. There is no other course open to me. I would resign now if my salary were not pledged up to March 4th 1879.²⁷ This consideration alone keeps me here. In the settlement of our affairs *all* is left to you. I desire no interest or share in any fee or case in which I have not labored, nor will I accept it under any circumstances."²⁸

Apparently Thomas remonstrated with him as to his decision. In reply, John wrote a long letter, stating the actions that had led to his decision, and denying that anything wrong had been insinuated against him by his (John's) wife. A letter requesting that she receive her monthly allowance, as had been agreed, brought forth a complaint that he was over-worked and "the division among three was too heavy" and that "he had even been a hack."

²³ *Ibid.*

²⁴ *Ibid.*, Feb. 28, 1878.

²⁵ *Ibid.*, Mar. 13, 1878.

²⁶ Some time during the year the partnership was reorganized, John McEnery withdrawing as a partner. The firm name became "Ellis & Ellis." T. C. W. Ellis to his parents, Dec. 18, 1878.

²⁷ It was pledged to pay for his home in New Orleans. E. J. Ellis to T. C. W. Ellis, Mar. 13, 1878.

²⁸ *Ibid.*, Feb. 28, 1878.

Did it demand "notification" on my part to withdraw and leave to you and your partner the entire business? Was not your letter a notification to me that I was not wanted? The business "not enough for *three*", and I the *third* man and not able to aid you, you "doing 19/20" of the business and a "huck" and all this in response to my request for a partners portion. Was not this "notification" to me? What was left me? Could I with these declarations of yours, preserve my self respect and remain a burden? Reverse our positions and what would you have done? . . . The whole business . . . I now take leave of. Some day I hope to close it finally by paying you the last farthing I owe you.

I step from this public arena naked, without a business, a book or a dollar and heavily in debt. The prospect is not a cheerful one for me.

Yet I blame no one, insinuate nothing, have no feeling other than of blame and reproach to myself for carelessness, neglect, a nature too hopeful, a spirit that grasped at shadows believing them real. Yes, I have one feeling in the matter. Profiting by the severe lesson of the past I shall begin to labor as I never dreamed before. If my life be spared I will pay all and be free again. It is a few years of struggle and poverty and privation. And then! Well we shall see.²⁹

Within a short time, however, the quarrel was forgotten and each was doing what he could to ease the family financial situation.³⁰ As it turned out, however, John was unable to respond to his brother's call for assistance, and to make matters worse, John's home was in danger of being seized.³¹ Doubtless he welcomed the adjournment of Congress, which came in July, so that he could add his own labors to those of his brother in New Orleans.³²

1878 was an election year. At the request of the Democrats of Hamilton county, Ohio, John assisted them in their congressional campaign.³³ At the last rally in Cincinnati General W. S. Rosecrans introduced Ellis, who was the only speaker. At the end of his speech he was presented with a gold-headed ebony cane in appreciation of his efforts in their behalf.³⁴ His own campaign for reelection gave him a majority at the polls of

²⁹ *Ibid.*, Mar 13, 1878.

³⁰ *Ibid.*, May 11 and May 14, 1878.

³¹ *Ibid.*, June 15, 1878.

³² Mrs. E. J. Ellis to Mr. E. P. Ellis, July 13, 1878.

³³ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 19.

³⁴ An anonymous manuscript entitled: *The Ohio Campaign, 1878*.

3,122 over the combined votes of his two opponents.³⁵ A Franklin-ton, Louisiana, relative wrote: "I am much gratified to learn the favorable results of the election and hope it is the forerunner of good both politically and financially. I see John got a handsome majority over his opponent."³⁶

The third session of the forty-fifth Congress convened on December 2, and John became so "busy with his Rail Road bills, and preparing a speech" that he was unable to celebrate Christmas at home.³⁷ Much of his time during the Christmas recess was consumed in an attempt to raise \$2,500, but he fell short of the mark and could send a draft for only \$2,000 to his brother.³⁸ Among the matters to which he then turned his attention was a memorial address, delivered February 20, upon the death of General Alpheus S. Williams, a Democratic Representative from Michigan, who had commanded the troops before Chattanooga and in Sherman's march to the sea.³⁹ This speech in praise of a former enemy illustrates the gradual healing of old wounds and dissolution of old hatreds.

Once more taking time for only a short visit to New Orleans,⁴⁰ Ellis reported for duty at the opening of the forty-sixth Congress.⁴¹ This time his committees were those on coinage, weights and measures and on the Pacific railroad,⁴² the latter being a special interest of his. Among the many bills which he introduced during that session of Congress, one was to provide for the completion of railroads and telegraph lines between lower Mississippi and Gulf ports to the Pacific, and another was to establish a mail route between the United States and Brazil.⁴³ However no action was taken on either, beyond referring them to the appropriate committees. His chief oratorical effort dealt with House bill number two, making "certain appropriations for the legislative, executive, and judicial expenses of the government" for the ensuing fiscal year. Ellis' chief interest was in decreasing the size of the army, and the speech appears to have been well received by the House.⁴⁴

35 Louisiana, Dept. of State, *Biennial Report of the Secretary of State . . . 1886-1887*, 90.
 36 Robert Babington to T. C. W. Ellis, Nov. 18, 1878.
 37 Margaret Ellis to her father, E. P. Ellis, Dec. 31, 1878.
 38 E. J. Ellis to T. C. W. Ellis, Jan. 9, 1879.
 39 For copy of Ellis' speech, see Appendix E.
 40 S. D. Ellis to his sister, Margaret, Mar. 11, 1879.
 41 *Congressional Record*, 46 Cong., 1 Sess., 4.
 42 *Ibid.*, 397.
 43 *Ibid.*, 619.
 44 *Ibid.*, 927-933.

With the opening of the second session of the forty-fifth Congress, on December 1, 1879,⁴⁵ a period of intense activity began for Ellis. Besides sponsoring many bills of his own, he worked for the passage of a bill which would adequately provide for the work of the National Board of Health, which organization was charged with fighting yellow fever.⁴⁶ But politics consumed a large part of his time. Twice he was given leaves of absence "on account of important business," on April 30 and May 20, 1880.⁴⁷ Ellis had been selected for the chairmanship of a committee to secure the nomination and election of General Winfield S. Hancock as President of the United States.⁴⁸ His efforts in Hancock's behalf took up a great deal of his time during the summer and fall.

When Ellis returned to Washington after his visit to New Orleans during Christmas, 1879,⁴⁹ he had taken his wife and children with him.⁵⁰ He did not return home again for approximately six months, and this time when returning took his mother and father with him so that they and his family could enjoy a summer together at Blue Ridge Springs, in the Virginia mountains, while he continued campaigning.⁵¹ John saw them settled and then continued to New York to help organize the campaign. He then made "some speeches in Maryland, N. Y. & Philadelphia and one in New Jersey. I have been asked to go to Maine in August [] to Ohio in October, but I suppose I must forego the Maine engagement to attend to my own affairs." By the end of July he was back at Blue Ridge Springs "almost broken down with work and travel."⁵² A trip home to mend his own political fences, and Ellis was back on the job canvassing for Hancock, chiefly in Virginia, where his speeches won for him the title of "the silver-tongued orator of the South."⁵³ The date of his departure for New Orleans was postponed a number of times, and the party finally left Virginia near the end of September.⁵⁴

⁴⁵ *Ibid.*, 46 Cong., 2 Sess., 9.

⁴⁶ *Ibid.*, 3780-3781.

⁴⁷ *Ibid.*, 2925, 3589.

⁴⁸ *Ceremonies Attending the Presentation of the Portrait of the Hon. E. John Ellis, Deceased, to the Supreme Court of Louisiana*, 20.

⁴⁹ Mrs. E. J. Ellis to Mr. and Mrs. E. P. Ellis, Dec. 11, 1879.

⁵⁰ E. J. Ellis to T. C. W. Ellis, Jan. 30, 1880; T. C. W. Ellis to his parents, May 1, 1880.

⁵¹ E. J. Ellis to T. C. W. Ellis, July 8, 1880; E. P. Ellis to T. C. W. Ellis, [July 11], 1880.

⁵² E. J. Ellis to T. C. W. Ellis, July 27, 1880.

⁵³ *New Orleans Times-Democrat*, April 26, 1889.

⁵⁴ E. P. Ellis to T. C. W. Ellis, Sept. 20, 1880.

Local Louisiana politics had not gone according to the likings of the Ellis brothers. In December, 1879, at the same election by which a new constitution was adopted for the state, Louis A. Wiltz and S. D. McEnery, the latter a brother of John McEnery, were elected governor and lieutenant-governor of Louisiana. Both were considered "ring men" by the Ellises and did not have their backing, though they could not be considered political enemies at the time.⁵⁵ Consequently the Wiltz-McEnery forces were opposed to the renomination of John, who considered the fifteenth of August sufficiently early to begin his own campaign.⁵⁶ Early in August he returned home for a few days, at which time he began the work. Within a short time he felt assured of the nomination, and departed to resume his participation in the presidential canvass, leaving the completion of his own canvass to others.⁵⁷ His brother Thomas wrote: "Like a good soldier he has gone where the firing is heaviest, and the people know & appreciate this, and will take care of these guerillas, who are attacking him in his absence."⁵⁸ Efforts in Hancock's behalf were to no avail, however, and "he lost the election to James A. Garfield by a small popular plurality and fifty-nine votes in the electoral college."⁵⁹ Ellis was again successful, defeating his Republican opponent, Michael Hahn, by a majority of 3,300 out of 16,764 votes cast.⁶⁰

A large part of the ensuing year appears to have been taken up with a scheme for solving his financial difficulties by making a large profit on railroad lands.⁶¹ The New Orleans, Baton Rouge, and Vicksburg Railroad Company, popularly known as the Backbone railroad, received a grant of public lands for the construction of a line from New Orleans via Baton Rouge to Shreveport, Louisiana.⁶² Though bonds were issued on the land thus granted, the road was not completed, and the grant was transferred in 1881 to the New Orleans Pacific, which at a later date became a part

⁵⁵ T. C. W. Ellis to S. D. Ellis, Dec. 4, 1879; E. J. Ellis to T. C. W. Ellis, July 27, 1880.

⁵⁶ E. J. Ellis to T. C. W. Ellis, July 27, 1880.

⁵⁷ S. D. Ellis to T. C. W. Ellis, Aug. 15, 1880.

⁵⁸ T. C. W. Ellis to E. P. Ellis, Sept. 16, 1880.

⁵⁹ Rhodes, Charles Dudley, "Hancock, Winfield Scott," *Dictionary of American Biography*, VIII, 222.

⁶⁰ Louisiana, Dept. of State, *Biennial Report of the Secretary of State . . . 1886-1887*, 90.

⁶¹ Ellis seems also to have taken part in the recovery of certain lands from the state of Louisiana, during the early part of the year. Robert J. Ingersoll began acquiring the land patents by virtue of a contract John McEnery had with Governor Wiltz. Consequently the transactions were carried on in McEnery's name, but Ingersoll and the Ellises were entitled to a share in 29,000 acres which had been recovered and 300,000 more which it was anticipated would be recovered. E. J. Ellis to T. C. W. Ellis, Jan. 10, 1881. It is not clear what finally came of this business.

⁶² E. J. Ellis to T. C. W. Ellis, Sept. 6, 1881; *Congressional Record*, 48 Cong., 1 Sess., 5695, quoting the Washington, D. C., *National Republican*, June 27, 1884.

of the Texas Pacific system.⁶³ John had bought Backbone bonds, and when the new bonds were issued by the New Orleans Pacific, he owned approximately \$40,000 of them, worth sixty cents on the dollar.⁶⁴

Trouble continued to dog his steps. The new bonds were valueless until the land patents on which the bonds were based had been signed by the President of the United States. President Garfield was shot by an assassin early in July, about the time the bonds were issued. John went north hoping that Garfield would be sufficiently recovered to sign his name by the middle of July, but by the middle of August it was clear that the President would not soon be in a condition to conduct any business,⁶⁵ and the situation continued unchanged until September 5, at which time Thomas received a peremptory call to pay a debt of \$2,500,⁶⁶ which fact was immediately telegraphed to John in Washington.⁶⁷ At the same time it was apparent that Garfield would soon die, in which case Chester A. Arthur would become president, but until some one could act as president, John's bonds were valueless, though he would have sold them at a loss in order to aid his brother.⁶⁸ Apparently Arthur refused to sign the land patents when he succeeded to the presidency,⁶⁹ for the matter was brought up in Congress during each succeeding session until the major part of the grant was finally confirmed six years later.⁷⁰

When the forty-seventh Congress met for the first time in December, 1881, Ellis' committee assignments were changed once more. One was the Select Committee on the Mississippi River Improvement,⁷¹ and the more important one was the Committee on Appropriations.⁷² "The prize that I drew in the committee lottery is one that entails small honor and tremendous labor." The committee met five times a week and the subcommittee met every night, keeping John extremely busy, since he again felt himself unable to afford a secretary.⁷³ It was due to his efforts

⁶³ *Idem.*

⁶⁴ E. J. Ellis to T. C. W. Ellis, Aug. 15, 1881.

⁶⁵ *Ibid.*, Aug. 15, 1881.

⁶⁶ Robert Babington to T. C. W. Ellis, Sept. 5, 1881.

⁶⁷ T. C. W. Ellis to E. J. Ellis, Sept. 6, 1881.

⁶⁸ E. J. Ellis to T. C. W. Ellis, Sept. 6, 1881.

⁶⁹ In a letter to Thomas, written Feb. 6, 1882, John said the case was being argued in the Attorney General's office at that time.

⁷⁰ *Congressional Record*, 49 Cong., 2 Sess., 1592. During the forty-eighth Congress, Ellis led the fight against an attempt to declare the land grant forfeited. *Ibid.*, 48 Cong., 1 Sess., 5695, quoting the *Washington, D. C., National Republican*, June 27, 1884.

⁷¹ *Congressional Record*, 47 Cong., 1 Sess., 7008.

⁷² *Ibid.*, 5826.

⁷³ E. J. Ellis to T. C. W. Ellis, Feb. 6, 1882.

that the necessary appropriations were made to continue the existence of the Mississippi River Commission and to provide it with funds for the construction of levees on the river.⁷⁴

In the matter of private business, part of Ellis' time was taken up with claims before the French-American commission.⁷⁵ His most ambitious undertaking, however, was in connection with a scheme to charter a lottery in Louisiana as a rival to the Louisiana State Lottery. Acting as attorneys for Percy Roberts and Thomas Handy, in whose names the charter was being sought, the Ellis firm was to secure the passage of a bill through the Louisiana legislature which would permit the chartering of a new company.⁷⁶ For this service the firm was to receive 20,000 shares of the paid-up stock in the company.⁷⁷ John endeavored to keep himself in the background, for he feared that Governor McEnery would veto any bill with which he was connected. However, he used his powers of persuasion on Charles T. Howard, of the Louisiana State Lottery Company, in an attempt to keep him from fighting the new company in the Louisiana legislature. He told Howard that even if an attempt to defeat the charter were successful, it would cost perhaps \$300,000 to defeat it, and it would be all to do over two years later when a new legislature met; that competition was the life of business. A new company would increase his own business. One company would control one house of the state legislature, and the other company would control the other house and combined they would beat any combination against them. It appeared that Howard was swallowing the bait, for he replied: "John I believe you are right. Between you and me I don't believe I can beat this new charter. If my board will be governed by me I will pool issues with these new fellows and help them through."⁷⁸ But apparently the plan went astray somewhere, for this attempt to charter a rival company fell through.⁷⁹

In the realm of politics Ellis once more had attacks of repentance for ever entering political life.⁸⁰ However, as the year wore on and the time for elections approached, he once more

⁷⁴ E. W. Robertson to S. D. Ellis, June 29, 1882.

⁷⁵ E. J. Ellis to T. C. W. Ellis, Feb. 6 and Apr. 14, 1882.

⁷⁶ *Ibid.*, Apr. 10, 1882.

⁷⁷ *Ibid.*, Apr. 14, 1882.

⁷⁸ *Ibid.*, Apr. 10, 1882.

⁷⁹ Alwes, B. C., "The History of the Louisiana State Lottery Company," 70. It should be noted that T. C. W. Ellis was a strong opponent of the lottery during the fight to re-charter it.

⁸⁰ E. J. Ellis to his father, Jan. 26, 1882; to T. C. W. Ellis, Feb. 6, 1882.

changed his mind about retiring. He felt that his position was secure: "My rank in Congress is with the best, and there are few members who excel me in personal influence in the body. I speak but seldom but the ear of the House is always at my command. I have the experience requisite to effective service. I have been true to my party and my people. Now they all know that. If they want to send me back they have the power."⁸¹

Ellis had broken with the forces in control of the state government in Louisiana. "I want no political fellowship with the present regime in Louisiana. It must be and will be overthrown."⁸² Several months later he wrote: "Only let me say that I am not a devout believer in the infallibility of the Democratic party either National or State."⁸³ As he made no effort to keep his opinions from becoming generally known, it was not long until his political enemies began to attack him, especially E. A. Burke through the columns of the *Times-Democrat*, which newspaper he and Charles T. Howard controlled. Rumors that Ellis would not attempt to secure the Democratic nomination but make the race as an independent candidate were spiked in an interview he had with a *Times-Democrat* reporter,⁸⁴ though he had no doubt that he could win the election as an independent.⁸⁵ Leaving his family at a resort near Philadelphia, Pennsylvania,⁸⁶ Ellis returned to Louisiana to meet the bitter attacks being made upon him. By the end of August it appeared that he had control of the Executive committee of the second Congressional district,⁸⁷ but his brother Thomas did not feel sure of the outcome. "I feel anxious about John's political campaign. . . . I pray God to shield & direct him in this fierce struggle his enemies are making against him."⁸⁸

A last attack by Burke through his newspaper was contained in a special dispatch from Washington at the end of September. It charged that Ellis did not get along well with the Louisiana delegation, and that he was doubtful politically. It was thought that his committee appointments were secured by working with the Republicans; "his personal conduct in Washington has brought reproach upon himself and his district."⁸⁹ But Burke did not have

⁸¹ E. J. Ellis to T. C. W. Ellis, Aug. 9, 1882.

⁸² *Ibid.*, Feb. 6, 1882.

⁸³ *Ibid.*, Aug. 9, 1882.

⁸⁴ New Orleans *Times-Democrat*, Sept. 9, 1882.

⁸⁵ E. J. Ellis to T. C. W. Ellis, Aug. 9, 1882.

⁸⁶ T. C. W. Ellis to his wife, Sept. 22, 1882.

⁸⁷ New Orleans *Times-Democrat*, Aug. 30, 1882.

⁸⁸ T. C. W. Ellis to his wife, Sept. 22, 1882.

⁸⁹ New Orleans *Times-Democrat*, Oct. 1, 1882.

the decency to publish, three days later, a letter from B. F. Jonas in which he defended Ellis from the charges contained in the dispatch from Washington.⁹⁰ The same issue carried the news of the election of the delegates from the second district to the nominating convention. In every ward, the Ellis delegation was elected.

There was no longer any doubt as to the outcome. On October 6 the nominating convention met in Carrollton. Ellis was placed in nomination by a eulogistic speech and, as no other nominations were made, he was nominated unanimously for the fifth, and what proved to be the last time. John, with his father, then appeared before the convention and addressed the delegates, declaring himself vindicated of the charges against him by their action.⁹¹ The final results of the election gave him a majority of 2,246 votes over his opponents.⁹²

A brief visit to New Orleans at the end of the second session of the forty-seventh Congress,⁹³ and John left for New York, there to attempt to recoup his fortune. An old friend, John B. Gordon of Georgia, had invited Ellis to aid him in the construction of a railroad, and he decided to take a chance on it, since his other ventures had not turned out well. As time went on he acquired a considerable interest in the company. "The enterprise is a very large one and my interest in it is so great that I now believe that it will make me independently rich within two years.... I estimate my interest in the Road at not less (eventually) than \$350,000. But it will yet be some months before I begin to realize from this source."⁹⁴

While waiting for the railroad to start paying, Ellis turned his attention to another business, and became president of "The International Fibre & Juice Extracting Co." located in New York.⁹⁵ The company was organized to market a machine for processing ramie.⁹⁶ Using money raised on his railroad interests, he acquired one-fifth of the company's stock.⁹⁷ But this company was slow in developing also. "We have met with reverses and disappointments and losses we had not anticipated...."⁹⁸ Within

⁹⁰ *Ibid.*, Oct. 3, 1882.

⁹¹ *Ibid.*, Oct. 7, 1882.

⁹² *Congressional Directory* . . . , 48 Cong., 1 Sess., 1st ed., 34.

⁹³ Mrs. E. J. Ellis to Mrs. E. P. Ellis, April 12, 1883.

⁹⁴ E. J. Ellis to his parents, Oct. 15, 1883.

⁹⁵ *Ibid.*

⁹⁶ E. J. Ellis to T. C. W. Ellis, Jan. 29, 1887.

⁹⁷ E. J. Ellis to his parents, Oct. 15, 1883.

⁹⁸ E. J. Ellis to his mother, Nov. 25, 1883.

a few months the prospects of the fibre company were encouraging. A Mexican firm applied for a contract to sell the machines in Mexico and Central America, and "a large English firm also have applied for the agency for British India, Australia and the Philippine Islands." The anticipated profit from sales would amount to \$300,000,⁹⁹ but for some reason the plans do not seem to have materialized.

John's family followed him north, and in October he took his two eldest children away to school, Lilly to a school near Staunton and Thomas to an academy near Natural Bridge, Virginia. Shortly thereafter, he and his wife and his youngest son Harvey, moved to a boarding house in Jersey City, where John could be near his work.¹⁰⁰ Apparently they remained there until the next session of Congress opened in December, at which time they moved to Washington.¹⁰¹

When committee appointments for the forty-eighth Congress were made, Ellis was once more on the Committee on Appropriations,¹⁰² though he could have had the chairmanship of a committee as a reward for his support of John G. Carlisle, of Kentucky, in his contest for the speakership of the House. However, he considered third place on the Committee on Appropriations higher and more important than most of the positions open to him, and he would have more time to devote to his own business if he continued with the work with which he was familiar.¹⁰³

Among the many bills in which he was interested during that session, was one lending \$1,000,000 to the World's Industrial and Cotton Centennial Exposition, to be held in New Orleans.¹⁰⁴ E. A. Burke was interested in securing government aid for the exposition. He sent word by Senator B. F. Jonas that he would like to be friends with Ellis again. "So I told Jonas that I would meet him as of yore. So he sent me his card. I went out and we met. He said 'All of our troubles were the result of misunderstanding. We fought—you won. Let us be friends again.' I gave

⁹⁹ E. J. Ellis to T. C. W. Ellis, Jan. 29, 1884.

¹⁰⁰ E. J. Ellis to his parents, Oct. 15, 1883. The following anecdote which, doubtless, was intended to be only that, was contained in a letter to his brother, Thomas, Nov. 26, 1883. Mrs. Ellis was teaching Harvey at home, but he was not a very apt pupil. Despite many corrections, he persisted in spelling "fight" with a "u" "flught." "Then I worked on his God-appointed-place-for-boys-to-receive-admonition with a slipper. I let up and told him 'There is no u in fight.' 'Well,' said he 'haven't you and me just had a fight?' 'Yes,' said I. 'Well wasn't u in it? Pears to me u was the main one in the fight.' I laid my hand on his head in benediction and shall try to educate him for politics."

¹⁰¹ Mrs. E. J. Ellis to T. C. W. Ellis, Feb. 5, 1884.

¹⁰² *Congressional Record*, 48 Cong., 1 Sess., 223.

¹⁰³ E. J. Ellis to T. C. W. Ellis, Jan. 14, 1884.

¹⁰⁴ *Congressional Record*, 48 Cong., 1 Sess., 3981-3982.

him my hand and said 'I have forgotten all that was unpleasant.' And then we went to work on his Exposition bill. Don't think me boastful but he *never could have passed it without me*, though as usual I have received at home but little credit."¹⁰⁵ During the next session, his efforts in behalf of the exposition were recognized by his appointment to a special committee to attend the ceremonies in the office of the President, opening the New Orleans exposition.¹⁰⁶

Besides the previously referred to Backbone land grant unpleasantness, which came up during this session, there was an investigation of certain alleged mail route frauds with which Ellis' name was connected. On February 25, 1884, Mr. Ellis had the clerk of the House read into the record an article which had recently appeared in the *New York Sun*. This article charged that a steamboat owner, George F. Brott, paid Ellis a fee of several hundred dollars for securing a contract for a mail route from New Orleans to Columbia, Mississippi, via Pearl River, from the Post-Office department. Ellis then had the clerk read Brott's denial that he had made any such statement. However, he did not consider his own denial and that of Brott sufficient vindication and introduced a resolution providing for an investigation of the charges, which resolution was passed.¹⁰⁷ After exhaustive questioning of the parties involved,¹⁰⁸ the Committee on Post-Office and Post Roads reported the following, which was adopted: "Resolved, That the charges reflecting upon Mr. Ellis, a Representative from Louisiana, in connection with star-route frauds, recently published, are untrue."¹⁰⁹

When election time began approaching in 1884 it appeared that at last, John's determination not to run for office again was sincere. Not that he had lost interest in politics. True, the bitter campaign of 1882 had carried his disillusionment with politics to greater depths than it had ever reached before. He would have liked to resign from Congress but felt obligated to remain because of the "noble people of my District who came out and sustained me...against the fiercest attack ever made on a public man in Louisiana."¹¹⁰ But the chief cause for his decision was financial, for he had at last discovered that "money has become

¹⁰⁵ E. J. Ellis to T. C. W. Ellis, May 15, 1884.

¹⁰⁶ *Congressional Record*, 48 Cong., 2 Sess., 261.

¹⁰⁷ *Ibid.*, 48 Cong., 1 Sess., 1349-1350.

¹⁰⁸ *House Report* no. 967, 48 Cong., 1 Sess.

¹⁰⁹ *Congressional Record*, 48 Cong., 1 Sess., 2154.

¹¹⁰ E. J. Ellis to his parents, Oct. 15, 1883.

the leading factor in our politics."¹¹¹ His wish was to withdraw from politics only temporarily, until he was able to secure an independent income. "But no man ought to go into it until he is independent of salary. This is a sad comment upon our times and the use of money but it is a true one."¹¹² The previous campaign had drawn upon his salary heavily, forcing him to look around for another source of income,¹¹³ and he did not feel that he could afford to invite any further drain upon his financial resources. As far back as early 1882 John had been sued for taxes by the city of New Orleans,¹¹⁴ and by mid-year of 1884 he was still not in a position to save his property,¹¹⁵ though friends attempted to assist him.¹¹⁶ The one consolation in his financial straits was the fact that even his enemies had to concede his honesty, otherwise, after ten years in Congress, his home would not be advertised for taxes.¹¹⁷

Ellis' interest in Louisiana politics continued unabated, even though he had decided to take no part in it himself. His sympathies were with those, led by former Governor Nicholls, who opposed the machine under S. D. McEnery. In December of 1883, McEnery had secured the Democratic nomination to succeed himself as Governor,¹¹⁸ which practically assured his re-election. John saw no hope of relief except a good, strong Republican party. "The machine dominates. The people are powerless to hold bad men to that accountability which is alone the safeguard of popular government."¹¹⁹ In the matter of the election of a Senator to succeed B. F. Jonas, he favored the re-election of Jonas over J. B. Eustis. "Politically and personally he is honest. *Eustis is not.* Jonas has not a tithe of Eustis's ability, but he would not make an infamous combination to succeed. Eustis has and will. Jonas has not the ability for the Senate, but it is a day of small men. He seems smaller than the others but it is the fashion now."¹²⁰ When Eustis emerged the victor, Jonas became "sore and bitter—wants to call the people 'to arms' and run out the people whom he helped to put in power." Ellis wondered whether Jonas would

¹¹¹ E. J. Ellis to his mother, Nov. 25, 1883.

¹¹² E. J. Ellis to T. C. W. Ellis, Nov. 26, 1883.

¹¹³ E. J. Ellis to his parents, Oct. 15, 1883.

¹¹⁴ E. J. Ellis to T. C. W. Ellis, Feb. 6, 1882.

¹¹⁵ *Ibid.*, June 2, 1884.

¹¹⁶ T. C. W. Ellis to his wife, June 16, 1884.

¹¹⁷ E. J. Ellis to T. C. W. Ellis, April 1, 1884.

¹¹⁸ New Orleans *Daily Picayune*, Dec. 21, 1883.

¹¹⁹ E. J. Ellis to T. C. W. Ellis, April 13, 1884.

¹²⁰ *Ibid.*

run for Congress from his own district, the second, but did not think that he could win.¹²¹

Toward the end of the session John hoped that it would not continue too long, for he had news that his father was ill and probably would not live very long.¹²² Finally, on July 14, he left Washington.¹²³ Upon reaching Amite he found that his father was considerably improved.¹²⁴ Doubtless he took the occasion to get first-hand information regarding the political situation in Louisiana before returning to Washington. After returning to Washington he received news of his father's death on August 12, 1884.¹²⁵

John was free to do as he pleased during the fall campaign, since he was not a candidate himself. Consequently he accepted the invitation of the Virginia Democrats to assist them in their canvass for Cleveland and Hendricks in southwestern Virginia.¹²⁶ In the course of a strenuous campaign Ellis spoke, among other places, at Abingdon, Christiansburg, Roanoke, Leesburg, Warrenton, and Culpepper Court House.¹²⁷ By the end of October he was discouraged over the prospects, fearing that even Virginia would be "close & doubtful. . . ."¹²⁸ The contest in his own district, between W. T. Houston and Michael Hahn resulted in the election of the Republican Hahn by a majority of 1,339 votes.¹²⁹

Doubtless Ellis enjoyed the second session of the forty-eighth Congress as a "lame-duck" member, for he could now feel free from political obligations and could see the light of financial recovery ahead. He and his family were well established in Washington by the time the session opened, December 1.¹³⁰ During the course of the session he was largely concerned with the legislation for the relief of different Indian tribes.¹³¹ Of course, a great deal of his time was taken up with committee work, as was true during the earlier session.¹³²

¹²¹ *Ibid.*, June 2, 1884.

¹²² Lily Ellis to her grandmother, Mrs. E. P. Ellis, June 14, 1884.

¹²³ S. D. Ellis to T. C. W. Ellis, July 14, 1884.

¹²⁴ T. C. W. Ellis to his wife, July 27, 1884.

¹²⁵ T. C. W. Ellis to E. J. Ellis, Aug. 12, 1884.

¹²⁶ E. J. Ellis to T. C. W. Ellis, Aug. 21, 1884.

¹²⁷ Mrs. E. J. Ellis to [T. C. W. Ellis?], Oct. 28, 1884.

¹²⁸ *Ibid.*, Oct. 31, 1884.

¹²⁹ *Congressional Directory* . . ., 49 Cong., 1 Sess., 1st ed., 34.

¹³⁰ E. J. Ellis to T. C. W. Ellis, Nov. 30, 1884.

¹³¹ *Congressional Record*, 48 Cong., 1 Sess., 484, 861-863, 865, 896-899, 902-906, 922-938.

¹³² E. J. Ellis to T. C. W. Ellis, Jan. 15, 1885; Sallie Ellis to her father, T. C. W. Ellis, Feb. 27, 1885.

By early January, 1885, John had opened a law office in Washington, at 1416 F Street.¹³³ Since his ventures into business had had unfortunate results, he had determined to turn his energies once more to the law. Within a short time he began to receive important cases. In January the Mexican government employed him to collect from the United States a claim which had arisen during one of Mexico's numerous revolutions. He, and his brother Thomas also, had an interest in the French-American claims, which he expected would be paid in February.¹³⁴

In February Ellis accompanied Senator Jonas and a number of other gentlemen to New York to confer with President-elect Cleveland.¹³⁵ He welcomed the approach of March 4, when the Presidency would once more be in Democratic hands, and when he would once more be a private citizen.¹³⁶ On the evening of March 1 the final reception under President Arthur was held at the White House, and it was the last which Ellis, and his family, attended as Congressman.¹³⁷

SUBSEQUENT CAREER

Following his retirement from Congress Ellis continued to practice law alone for a time, and then formed a partnership with John Johns and D. A. McKnight, under the firm name of Ellis, Johns, and McKnight.¹ Though their business was good, collections were poor at first, and Ellis practically lived from day to day at times, though he managed to keep his family well provided for.² By September, 1888, he had \$23,000 in fees due him which he was unable to collect.³ At the same time he attempted to keep his fibre company in operation, for he continued to have great hopes of its eventual success.⁴

Withdrawing from public life did not mean that Ellis was also withdrawing from politics. Financial straits prevented his accepting an invitation to speak at the Exposition in New Orleans in April, 1885,⁵ but later in the year he was prevailed upon to assist in the campaign in Virginia,⁶ where he had been so successful

¹³³ E. J. Ellis to S. D. Ellis, Jan. 9, 1885.

¹³⁴ E. J. Ellis to T. C. W. Ellis, Jan. 24, 1885.

¹³⁵ Sallie Ellis to her mother, Mrs. T. C. W. Ellis, Feb. 8, 1885.

¹³⁶ E. J. Ellis to T. C. W. Ellis, Jan. 24, 1885.

¹³⁷ Sallie Ellis to her mother, Mar. 1, 1885.

¹ E. J. Ellis to T. C. W. Ellis, Mar. 15, 1887.

² *Ibid.*, Aug. 9, 1887; May 30, 1888.

³ *Ibid.*, Sept. 18, 1888.

⁴ *Ibid.*, Jan. 29, July 13, and Aug. 9, 1887.

⁵ *Ibid.*, April 27, 1885.

⁶ *Ibid.*, Sept. 17, 1885.

twice before. He also felt compelled to turn down the invitation of Francis T. Nicholls to aid him in his second campaign for election as governor of Louisiana.⁷

In the fall of 1888, Ellis visited Louisiana for the last time.⁸ His health had not been good even before his retirement from Congress,⁹ and it did not seem to improve as time went on. The long hours he spent in his law office were not calculated to improve it,¹⁰ and his weight of 225 pounds doubtless taxed his heart.¹¹ On April 23, 1889, he stayed home with what was thought to be a slight indisposition. Two days later he felt well enough to sit in a chair, but the strain on his heart was too great, and he died of heart failure.¹² The body was taken to the old homestead at Amite and interred there in the family cemetery.¹³

APPENDICES

Appendix A

[Speech of E. John Ellis in New Orleans, September 15, 1876.]¹⁴

Fellow-citizens—I had hoped that I would not have to talk to you anymore. I have been preaching for the last four years that rebellion, as they call it; that disorganization, as they call it; that schism, as they call it; that disorder, that reproach, as they are so-called—that on the 14th of September resulted in your disenthralment, and I thank God that I have lived to see this day. The emotions that crowd upon my heart at this moment are too deep for utterance.

All our skies have been so leaden; the end has been so dark, the burden has been so heavy, the hand of oppression has weighted upon us with weight which crushed us down, and which seemed would never be lifted off; and I do thank God to-day, that standing in this bright sunshine, and beneath the bended sky of our beautiful Louisiana, we can draw a great, long, free breath, as we have not done in ten years.

Fellow-citizens, your love and your affection cannot be too freely bestowed upon the gallant Lieutenant Governor, who has just spoken to you and who has been the head and front of this

⁷ Francis T. Nicholls to E. J. Ellis, Aug. 6, 1887.

⁸ Margaret Ellis to T. C. W. Ellis, Nov. 15, 1888; E. J. Ellis to his mother, Nov. 25, 1888.

⁹ E. J. Ellis to T. C. W. Ellis, Nov. 26, 1883.

¹⁰ *Ibid.*, Sept. 18, 1888.

¹¹ *Ibid.*, Feb. 11, 1887.

¹² New Orleans *Times-Democrat*, April 26, 1889.

¹³ *Biographical Directory of the American Congress, 1774-1927*, 941.

¹⁴ New Orleans *Bulletin*, Sept. 16, 1874.

movement—and I do not forget the gallant gentleman, hightoned, chivalrous soldier, who, no politician seeking office, yet in obedience to the highest behest than can ever speak to the soul of man, drew his trusty sword and led his countrymen to a victory that resulted in regaining your liberty.

And now, fellow-citizens, a few words more. You have conquered. See that no act of oppression, no act of intolerance, no act of violence, soil or dim the lustre of your splendid victory—see to it, I adjure you. Show to the world that you know how to be brave upon the field, and that you know how to forgive and forget. See to it that you bear yourselves with that moderation and that courtesy which is characteristic of the brave and the true.

Fellow-citizens, I have done talking to you. Now go to your homes; pursue your peaceful avocations; for in the bright, magnificent future which is before us, I see no gathering of a single cloud.

Appendix B

[Speech of E. John Ellis before the meeting at the Clay statue, New Orleans, February 6, 1875, and resolutions adopted.]¹

My friends, I am glad to see you here to-night on this most important and momentous occasion. I am glad, because it shows to me and the people of this broad land that we are not yet prepared to join hands with the infamous men who, by the tricks of a Returning Board, are now occupying legislative places in our State. The men who proposed such a thing did not and assuredly could not have realized the fearful responsibility they assumed.

We never elected these men to put life into the bleeding and festering carcass of Radicalism. We never placed them in our legislative halls to infuse into this corpse the revivifying influences such as people's support would give it—never. No, my friends; they were delegated simply to carry out the behests of their masters, the people whose acknowledged servants they were.
[Cheers.]

There would be sounds of revelry and high carnival in the high places at Washington tonight if the electric wires could only herald to the inmates of the White House the fact that Louisiana had submitted to the Kellogg rule. The news would come as balm to the fainting pilgrim, for that man Grant wants this question settled here.

¹ *New Orleans Bulletin*, Feb. 7, 1875.

His party have already placed the shackles about the limbs of our bleeding State. They first in their crusade against American liberty concealed the chains they were putting about us beneath the laurels of their heroes of the late war, but as time passed on these laurels faded, leaf after leaf fell, and the clanking iron prepared for you and me, fellow-citizens, was displayed to the gaze of American freemen.

Day by day this has been more evident and now we have arrived at a full realization of the end. I believe the compromise offered to us did not originate in this city. It had its rise in Washington, and we know why it was so desirable to the authorities there. But be this as it may, we must not now condemn those who belong to us who may have voted for these resolutions. We must not turn them from us because they may have made a mistake.

After advising his hearers to remain firm, and in beautiful language, referring to Louisiana's woes, he closed amidst vociferous cheers.

Mr. Ellis then introduced the following

RESOLUTIONS

Whereas the rights and liberties of the people of Louisiana have assumed the proportions of a great national issue; and

Whereas the question of constitutional liberty in the United States, involving the most sacred rights of the people, is at stake; and

Whereas, any compact or compromise with the usurpation of Kellogg whereby he or his government could obtain any recognition on the part of the people of Louisiana, would be to condone an unparalleled wrong, and to acquiesce in the arbitrary, illegal and oppressive acts whereby constitutional government has been imperilled; and

Whereas, it is our duty to our God and our country to resist and never cease to resist by all legal and peaceful means in our power the consummation of these outrages; and

Whereas, for the first time in all the weary years of our struggle for the right of self-government, the people of the entire Union have paused to listen to the story of our wrongs and to heed our warning cries, and their strong voices, full of sympathy,

encouragement and support, reach us, and bid us to be firm and patient, and urge us not to yield, and promise us the speedy and total overthrow of our usurpers and oppressors, and the restoration of our rights and liberties, and

Whereas, we are admonished by the graves of our fathers and by the memories of their sufferings in the cause of liberty, that it is our duty also to suffer, if need be, in the same holy cause; now, therefore be it

Resolved, that we repudiate, as being both impolitic and unwise, any action on the part of any Representative or Senator elected by the conservative people of Louisiana looking to the recognition of Kellogg, the usurper, either directly or indirectly, or, any portion of his usurping government, or which in effect would condone the unparalleled infamy done to the people of Louisiana by the Federal military power on the 4th day of January, 1875.

Resolved, that in entering into any compromise, bargain, arrangement or adjustment with the usurper Kellogg and those who uphold him or defend him, Representatives, Senators or others elected by the conservative people of Louisiana have forgotten that they are servants, with limited functions, and have now boldly usurped the great inherent prerogative OF THE PEOPLE, THEIR MASTERS; and that no such bargain, compromise, arrangement or adjustment is binding on the people, and that it will not be tolerated by them.

Resolved, that we tell the men whom we elected to represent us, and whom we have trusted, that we desire no compromise with the Kellogg usurpation; that we demand, and will agree to nothing less than the reinstatement of the legally elected Legislature as it stood at that moment on the 4th day of January when a United States soldier entered its portals to eject the lawful Representatives of the people; and that they must be reinstated unpledged and untrammelled save by the sanction of their official oaths and the fealty and duty they owe to their country and their constituents.

Resolved, that we shall call upon our brethren and fellow-citizens of all the parishes of the State to assemble in mass conventions, and to join with us in uttering this solemn protest against the proposed action of those Representatives and Senators, who, forgetful of their duty or blinded by false considerations, would undo all the results of our heroic efforts and surrender the struggle for rights and liberties which are dearer than life.

Appendix C

[Resolutions adopted by the mass meeting at St. Patrick's Hall, New Orleans, February 26, 1875.]¹

We, the people of New Orleans, in mass convention assembled, in view of the acceptance and adoption, by a majority of the conservative caucus, of that odious compact with tyrants and usurpers known as the "Wheeler proposition," do most solemnly and earnestly protest against the consummation of that compact, and do here repudiate it, declaring that we will never acquiesce in or be bound by it, and for the following reasons:

I. [Denies the right of the caucus to agree to any such proposition.]

II. [Against the provision of the constitution which permits each house of the legislature to determine who shall be admitted as members of the body.]

III. [In regard to the provision of the compromise relating to the Senate.]

Resolved, that the declaration of the Baton Rouge Platform, upon which our Representatives were elected, to which they gave their unqualified assent and adhesion, and to the maintenance of which they implicitly pledged themselves when asking the suffrage of their constituents, utterly forbid us—without consenting to our own infamy—to accept, among the rest, that resolution of the Wheeler Compromise which binds us to "acquiesce in the existing State Government established in 1872, known as the Kellogg government, including the Senate which is now and has been in session at the State-House," and not to "question by impeachment the official acts of the Governor from the time since said establishment."

Resolved, that we refuse to commit the rights, interests and "equities" of the State of Louisiana to the judgment of a committee, some of the members of which, in the face of overwhelming evidence to the contrary, have in their official capacity, falsely and slanderously asserted that the white people of Louisiana "purpose to take possession by force and fraud of the State Government, and have refrained and will refrain, from the use of no instruments which they think designed to accomplish it, whether those instruments be murder or fraud, civil war or coercion of laborers by employment."

¹ *New Orleans Bulletin*, Feb. 27, 1875.

Resolved, that we cordially approve and endorse the sentiments expressed by Senator Wiltz, in his manly protest against "returning to a House from which we have been driven by bayonets, and renewing our oaths of office before one who falsely claims to be Speaker;" and we protest, with him, against "paying for the privilege of returning to the exercise of rights and the performance of functions to which we have been elected by a free people, at a fair election, by any concessions whatsoever."

Resolved, that the people of New Orleans declare their unfaltering confidence in the political integrity of their fellow-citizens of the country parishes, with whom they have so long been struggling for the dearest rights known to freemen, and they call on them to rise as one man, and rebuke this action of the men whom they recently elected to represent them.

Resolved, that the people of New Orleans believe that the people of the country parishes are wholly misrepresented by those conservative members of the General Assembly here who have seen fit to denounce, in highly improper terms, their fellow-citizens of Louisiana who are conscientiously opposed to and protest against, compromise.

Resolved, that we shall call upon the people of the several Representative Districts of the parish of Orleans to meet in their respective wards and to instruct their Senators and Representatives to refuse to obey the orders of a Caucus exercising powers not delegated.

Appendix D

[Speech of E. John Ellis before the Conservative Democratic convention, New Orleans, January 5, 1876.]¹

Hon. E. John Ellis returned his acknowledgements for the honor conferred in calling him before the Convention to address them and stated that inasmuch as he found himself in the presence of men who had grown gray in the service of the State, as well as men of his own age who represented the young in heart and nerve and thought of the State, all of whom were his peers, that he presumed that he was merely called for the purpose of informing the Convention of the real status of the Louisiana

¹ *Official Proceedings of the Conservative Democratic Convention, Begun and Held in the City of New Orleans, La., January 5th, 1876*, 7-8.

case at Washington. Upon arriving there he and his colleagues waited upon the leading Democrats, such as Messrs. Kerr, Randall, Wood, Morrison and Lamar, and laying before them the circumstances that two claimants from the Fifth District presented rival credentials, the one signed by the usurping Governor and the other by Governor McEnery, each in proper form and under the seal of the State.

They suggested that when the members were about to be sworn objection should be made to Mr. Morey, and at the proper time a resolution should be introduced referring both credentials to the Committee on Privileges and Elections, and that they be instructed to examine and report as to which of the two said claimants (Spencer and Morey) was entitled to be sworn as the sitting member.

Mr. Wood was selected by us to make the objection and present the resolution. The resolution was prepared after full consultation between Messrs. Levy, Gibson and Spencer, under the full direction of Messrs. Kerr and Wood. The latter gentleman, at the proper time, made the objection, and after the members had all been sworn, presented the resolution and moved the previous question. Immediately, Messrs. Blaine and Garfield, and other leading Republicans sprang to their feet and charged the Democrats with the intention of violating the compact made upon the floor of the last House, not to reopen the Louisiana question. It then appeared that toward the close of the last session, when Messrs. Wheeler and Hoar presented their plan of adjustment and the resolution recognizing Kellogg to the end of his term, that the Democratic members, under the erroneous belief that the people of Louisiana desired the settlement of all their difficulties in the manner proposed by the Wheeler adjustment, that they, the Democrats, while they could not and would not vote for the plan proposed by the resolution, yet if passed by the Republican members, would be accepted by them as a final settlement of all the troubles which had grown out of the Louisiana outrage. This charge was not denied, but on the contrary was admitted. Upon suggestion of Mr. Hoar the resolution prepared by us was so amended, Mr. Wood accepting the amendment as to merely refer the credentials of Morey alone to the committee. Being thus shorn of all political significance, the resolution, amid much confusion, and with the Democratic House divided, was

lost and Morey was sworn in. The Democratic members, utterly deceived as to the real meaning and intent of the compromise, and believing that the people of Louisiana had accepted it as a final settlement of their troubles were averse to the violation of what they deemed their good faith and were opposed to the reopening of the Louisiana question. Mr. Ellis then continued to the effect that we could not now abandon the glorious struggle which Louisiana had made for her rights, without being false to ourselves, to our country, to liberty and to posterity, and the first steps toward its successful prosecution was to undeceive Congress as to the real meaning and intent of Wheeler's compromise. That when undeceived they would act to restore to our State its rightful government.

Appendix E

[Speech of E. John Ellis in the United States House of Representatives, February 20, 1879, upon the death of Alpheus S. Williams.]¹

Mr. Speaker: With the shadows and sorrows of the bereavement occasioned by the death of General Williams upon us, we stand tonight face to face with the consideration of his life, its achievements, its toils, its labors, its aspirations. With one accord we agree that it was a useful and honorable life; and now that it is finished forever, we would gather from it whatever of virtues it may have exemplified, whatever of example for our guidance it may have furnished.

And yet, sir, I scarcely know how to add anything for our reflection to what has already been said. The language of eulogy seems to me to be exhausted. The voice of that strong, manly affection which bound General Williams to the brave strong hearts of those who associated with him has fully been uttered. Not one single note of all the wonderous and touching symphonies which slumber in the lyre-strings of the mournful muse has been left untouched and unawakened, while by masterly hands the outlines of the life and the features of the character of the illustrious dead have been drawn so perfectly that I painfully feel my inability to add a single touch to the already perfect work. And yet, sir, would I weave a chaplet, simple though it be, for his

¹ *Memorial Addresses on the Life and Character of Alpheus S. Williams, (a Representative from Michigan,) Delivered in the House of Representatives and in the Senate, Forty-fifth Congress, Third Session, 46-53.*

memory; and from the perennial blooms and deathless verdure of the far southern land that I represent would I bring a flower to lay with those richer offerings which have been so lovingly placed upon the grave of our lamented friend.

Mr. Speaker, men's lives are valuable as they incarnate ideas, or as they exemplify splendid virtues, or as they teach valuable lessons. We turn over the pages of the days and years of their lives as we turn over the pages of a volume. Some of them we remember, others we mark; some we love to recall, and others we forget as a volume or a page whereon no word is written. Those who have toiled for a great principle, who have taught their fellow-men useful lessons, or who have exemplified virtues worthy the imitation, live on even after death. Those who die having lived for naught, who failed to achieve and to teach and to exemplify, are but as demolished temples wherein no worship was ever held, no rites performed, and around which no love clings and no fond memory dwells.

Until this evening I had known but little of the details of that illustrious career whose sudden close causes the solemn services of this hour. But from the lips of his distinguished and eloquent colleague [Mr. Willits] I have heard elaborated the details of those labors and achievements which are so briefly outlined in the Congressional Directory. And recalling the events of his life from its very commencement, or rather from the time when with full panoplied manhood he mingled in the struggles of real life, down to its close here, the lesson which I gather in the very thought of his colleagues is perfectly expressed in the language of America's greatest and purest soldier, and it is this: "Duty is the sublimest word of our language."

My acquaintance with him began when he and I came to occupy seats as members of a former Congress, four years ago. Without culminating in very intimate association our relations grew into a cordial and sincere friendship which remained unabated to the close of his life.

General Williams attracted all who approached him by a suavity of manner, by a gentleness of demeanor, by a high-toned and chivalric bearing, by a universal courtesy and kindness which gave assurance of a noble heart within. We all remember his pleasant, cheerful voice, we recall his warm and cordial greetings,

and we can never forget the infinite charm which his bright presence and genial conversation diffused over every circle in which he moved. But, sir, all these traits of that noble character have been fully and fondly recalled here to-night. Be it my task to glance at a few leading events of the dead patriot's life to impress the lesson which I gather from it.

Possessed of a liberal education, he was fully fitted to fight the battles of life. Fortunate in being able to travel abroad in Europe at a very early age, he was lifted above that narrowness of soul, he lost that provincialism which sometimes attaches to and dwarfs the strongest minds, and returned to his country from abroad well calculated and well qualified to perform a high and heroic part in its history, to impress himself upon his times, and to leave a lasting monument of love and gratitude in the hearts of his countrymen. I find him winning distinction at the bar and filling high civic positions long before some of us who are here to-night were born. In all these stations we find him ever true to the dictates of duty. In the prime of his manhood, when the war-call came from the Rio Grande and from Mexico, and when all that were brave and chivalrous in America had gathered where War palsied Mexico's rooted mountains and bathed her gorges in battle flames and hovered his boding, dark presence over her chaparrels, we find this hero among the very first from the State of his adoption to fly to the field of duty and of danger. We all know how well he discharged his duty there. We know how superbly he illustrated the high qualities of the American soldier. We find him there, as everywhere, at the post of duty. He was like the lone sentinel who stands beneath the watching stars and who though dangers thicken all around and creep about amid the shadows, deserts not his post, but dies there if need be; or like the pilot who, with hand on wheel, amid storm or shipwreck or circling flames stands at the post of duty to die there if need be. So we find General Williams in the high discharge of his duties as a soldier proffering his life to his country, to fight for her, for her to die if needs be.

Returning from Mexico amid the rejoicing of a triumphant and grateful people, General Williams settled down once more to the pursuits of a peaceful and private life. Not long, however, was it before he was discharging the functions of high civil position under Federal appointment. And thus he continued growing

steadily in the hearts of his people, beloved, honored, respected, and discharging with scrupulous care every duty which devolved upon him, whether as a citizen, official, or lawyer. And there he remained until the terrible frown of the gathering war-cloud darkened our unhappy country and the hour grew heavy with peril. A new pathway of duty is suddenly opened before him, and sorrowfully, sadly perhaps, and yet without faltering or hesitating, he sets out bravely to pursue it.

Sir, in all that mighty tide of valor that poured from hill and plain, in all the mighty and majestic armies that gathered in this northern land beneath the folds of the flag of the Union, how many elements, how many emotions, how many different impulses there were! There was youth with no knowledge of the realities, the terrible sufferings of war, gathered there perhaps from the high and chivalric impulse to dare the dangers of the field. To such there was something of pride in the perils of war, and they were eager and ready to rush to the fray to pluck some laurel from the battle-field. There were others that rallied in those grand armies from a feeling of philanthropy. Their inspiration and thought was that they were bearing liberty and enfranchisement and equal rights to a downtrodden and long-oppressed race. There were perhaps a few who were animated by sectional hate; but there were hundreds and thousands whose sole idea and sentiment was the preservation of the Union. In entering upon that terrible struggle General Williams was animated by no love of war, no thirst for glory. He had been in the tented field; he had "drunk in the earthquake of the guns"; he had seen the writhing of the wounded; he had marked the pale scathed faces of the dead; he had seen how war's hostile hoofs trenched the land and blotted out its very civilization; and from this spectacle of gathering strife his kindly and brave heart shrank. Nor was there with him any of the sentiment of philanthropy. From his standpoint, to his political views, the peculiar institutions of the South were guaranteed by the Constitution, nor did he believe that lawful power existed to touch or destroy it. Nor with him was there the mere sentiment of the preservation of the Union. There was to him something beyond; the preservation of the Constitution, the absolute salvation of republican government. In his belief liberty itself was imperiled, and imperiled too by the rash acts of his own countrymen.

Sir, I can well imagine how that patriotic, that kindly heart would have averted the storm—how like Curtius he would have leaped into the gulf to save the Union and to preserve peace. I can well fancy that with him there was no passion, no hate, no other sentiment animating his heart than the high and noble and splendid impulse of duty and of loyalty to his country, loyalty to her free institutions; and sternly, bravely, sadly, without passion, a splendid type of her conservative sentiment of the war democracy of the North, he went down to do battle for the Union and the Constitution.

Mr. Speaker, I was of those who fought in the armies against which General Williams drew his sword. But I would be indeed blinded by prejudice and insensate of soul did I fail to appreciate and to candidly avow the honest, the sincere convictions of duty, the lofty, unbending, and sacred sense of loyalty which animated his soul when in sorrow rather than in anger my brother drew his sword upon me and my people, and without passion or hatred, solemnly and patiently, sadly but sternly, fought on until victory crowned his efforts with her smile. I trust, sir, the time may come when prejudice and passion shall no longer prevent us from clearly seeing and manfully according honesty of purpose and purity of motive to all Americans who engaged in our unhappy strife. When that time comes we will be very near the glorious day of perfect peace and reunion. How nobly General Williams bore himself in that civil war has been told. He exhibited the highest qualities of the American soldier, and in an eminent degree developed capacity to command, while he illustrated a lion-like courage which made him seem at times to defy danger and to court death upon the field. This quality won from the common soldier that endearing and familiar epithet of "Old Fighting Pap," which followed him in peace, and which will live forever. Those who followed him can well remember with a soldier's pride that brow which was so calm amid whistling bullets, that form which rode with such death-defying heroism right amid the blaze of hostile guns, and that death-scoring courage that seemed to find its congenial home upon the battle-field where brave men fought and bled and died for what they deemed was right. And the "star of the field that poured its beams upon his battle" and led him at last to victory was simply the light of his life, the star of duty. It was his "pillar of cloud by day and of fire by night." He followed it as steadfastly and with the same faith that

the prophet of Israel of old followed that which the Almighty's hand had upreared before his wondering and adoring gaze; and at last it led him to victory and peace.

And, Mr. Speaker, with General Williams the cessation of the war meant peace. His heroic soul was too noble to taunt the fallen; his brave heart was too manly to desire to persecute the humiliated and the conquered, and no sooner had the sword, as knightly and as chivalrous as ever bathed in the battle-light, or even pointed the way to victory, been sheathed, than the hand which had so heroically wielded it was all busy with deeds of kindness, with endeavors to bind up the wounds of the war.

Mr. Speaker, we are all familiar with his career here. Suffice it to say that duty guided him in all his ways and acts in this Hall. We miss him from his accustomed place. His seat is vacant. We miss his valued counsels, his great labors, his cheerful presence, and the strength we reposed in him. Death found him, while life had seemed ever to place him in the discharge of his duty; still at his post, in the midst of his committee-room, discharging and prosecuting the duties of his committee, the arrow of death found him. The winter of his life had been reached; its fullness was completed; it was well finished, filled to the measure of duty done. We bore him away to slumber in the soil of his adopted State.

And as Michigan, mourning Michigan, opened her arms to receive within her embrace all that remained of Alpheus S. Williams, to hold him forever in his final sleep, I can fancy that she kissed his cold forehead and said "No son hath served me more faithfully and more acceptably than thou."

There, in her fond breast may he sweetly rest. Ay,
 Soldier rest; thy warfare o'er,
 Sleep the sleep that knows no waking;
 Dream of battle-fields no more,
 Days of danger, nights of waking.

Yes, softly, sweetly, sleep in the bosom of thy adopted State.

The flowers will bloom and the birds will sing above thee, and nature around thy last resting-place shall fling all the beauties that the changing seasons know. But no birdling's song, no flower's perfumed breath, shall be purer or sweeter than were

the emanations of thy soul. And no sunset cloud nor line of life shall be more grand, more beautiful than the example which thou has left us.

Mr. Speaker, we soon forget life's trials, all life's struggles, all life's achievements. But the majesty of death's seal impresses men's souls and dares them to forget. And such a life as that which we mourn to-day finished by death, shall live forever.

It was a heathen poet, I believe, who said:

In the halls that our feasts illume,
The rose for one hour may bloom;
But the cypress that grows 'round the tomb,
Ah! the cypress is green forever.

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NEW ORLEANS NEWSPAPERmen OF YESTERDAY

By JOHN SMITH KENDALL

In the old days on the New Orleans newspapers, when newspapermen took their occupation with more seriousness than they do now, a frequent topic of conversation in every editorial sanctum was, whether journalism, as practiced locally, was a trade, a craft, an industry, an art, or a profession. It was strictly an academic discussion, and nobody really expected an answer. Consequently, when, about the beginning of the present century, journalism underwent a series of drastic changes and emerged as a business, everybody was surprised, and many hopelessly bewildered. Few of the veterans were prepared for the transformation. Some of them made futile and rather pathetic efforts to adjust themselves to the new order. Some transferred their activities to other fields, where a handful made genuine successes, and forgot their quondam connection with the New Orleans press. But a good many, their occupation gone, did not survive. The disappearance of the old fellows opened the way for a new generation, with new ideas of newspaper work, and a type of newspaper of which the elder time had little or no conception.

Perhaps, on the whole, the change in the New Orleans newspapers was a salutary one. At least, the transformation from the old, happy-go-lucky, irresponsible, Bohemian days to a stricter discipline and more exacting individual requirements, introduced elements of order and stability into what had previously been a highly precarious mode of earning a livelihood. But, in another way, something picturesque and exciting then vanished from the city's life. Security and financial betterment, it may be, are not as important as we are prone to think. In the old days, when newspapers were small and editors numerous, there was room for personalities to develop to a degree which is not possible under the present circumstances. In those days journalistic standards were curiously flexible. Men of all degrees of talent and training flourished side by side, each making some contribution to the life of the community. Some of them, admittedly, were mere adventurers, eking out an existence as it were on the periphery of the criminal world. Some were thinkers and statesmen. In between were various categories of journalists and pseudo-journalists. It was the

contemporaneous presence of these contradictory elements that inspired the discussion to which I have alluded, and it was their elimination, or regimentation under the new order, which stripped New Orleans journalism of its color and romance.

I want to say something about certain of the newspapermen who flourished in that elder day, who seem to be in danger of being forgotten. It would be interesting—perhaps even profitable—to list here the names of all who wrote for the New Orleans newspapers in those days, or at least of those who survive in the memory of such nostalgic chroniclers as the writer of these lines. But the mere enumeration of them would occupy more space than is at my disposal. I can only cite a few who seem to me to embody the special virtues—or shall I say the special faults?—that differentiate the journalism of yesterday from the more comfortable business of today. These men cherished political faiths and intellectual ideals for which they were willing to risk liberty and sometimes life. They practiced their calling with a disregard for physical and pecuniary penalties which is—alas!—all but unknown in the current rather sordid and selfish state of things. And if they were not exempt from human and occupational shortcomings, were they not really the defects of their quality?

Between the year 1865 and the close of the century New Orleans passed through one of the strangest and most difficult periods in its history—a period which is not well understood even by local historians. During the twenty years immediately following the termination of the Civil War, journalism in New Orleans had to travel a rocky road. The city was in the grasp of a military dictatorship as ruthless and arbitrary as any that has appeared in Germany or Russia. The one or two newspapers surviving from the prewar epoch managed to exist only by adopting an editorial policy so ambiguous as to leave everyone in doubt concerning their actual sentiments. That did not save them from censorship and intermittent suspension. Only the *Bee* and the *Picayune* weathered these and similar adversities. As for the papers which came into being in those troublesome days, they were principally organs of the dominant political caste. Their black-and-tan ("Black-and-tan" was the term applied to everybody and everything that supported the government's Negrophile activities) leanings recommended them to the official element, but not to the mass of the population. Bureau-

cratic approval did not long offset the lack of circulation, and they speedily came to an end of their undistinguished careers.

Moreover, in the regiments of the United States regular army which garrisoned the city in the Reconstruction era were not a few journalists, men of Northern birth, with newspaper experience obtained in Northern cities. Some of them liked New Orleans, and made it their home. A few of them, like Major W. M. Robinson and Major Nat Burbank, made places for themselves on the local papers. They competed with the local talent. The latter, most of whom had served in the Confederate armies, and were persecuted by the Federal authorities for that reason, held their own with difficulty against the newcomers. Some of them, like William M. Burwell and Dr. Hugh Kennedy, went over to the enemy. Others adhered stubbornly to their principles and suffered for doing so. Such were J. O. Nixon and William J. Seymour. Oddly enough, some of the most courageous exponents of the Southern viewpoint in that trying period were individuals who, though of Northern extraction, had lived long enough in the South to have imbibed its ideas, and who were, on the whole, more genuinely fire-eating Southerners than the Southern-born themselves.

Burwell, who, as I have said, accommodated himself to the new regime, was typical of those who did so for purely patriotic motives. He was a man of the highest ideals of honor, had served gallantly in the Confederate armies, but when hostilities ceased, saw no good in maintaining an attitude of intransigency, and made his peace with the powers that were. But New Orleans did not approve. The bitter-enders criticised what they termed his apostacy. Burwell lived down this unfavorable opinion, but it cost him some unpleasant years to do so. He came eventually to be admired and esteemed by the whole city. But his alliance with the oppressor undeniably hampered his usefulness over what otherwise should have been the most productive portion of his long career.

Burwell was a short, stocky man, with a finely modeled head crowned by a vast shock of snowy hair. All in all, he was, physically and mentally, a remarkable man. He was a native of Virginia, the son of a man who served Thomas Jefferson as private secretary. The boy spent no small part of his early life in the household of the ex-president. Burwell was educated at the University

of Virginia, where among his classmates were Edgar Allan Poe, Robert Toombs, and others who later on became national figures. He was prominent in Virginia politics, and for twenty years sat in the Virginia House of Delegates, where he is said to have been an influential and useful member.

Burwell began his journalistic career in Lynchburg, where he founded and edited a daily paper advocating Whig doctrines. Then came the Civil War interlude, with service under the Confederate flag. In 1865 he found himself in New Orleans. Here he was connected with the *Commercial Bulletin*, with the *Republican*, and lastly with the *Price Current*. He had an interest in *DeBow's Review*, and contributed frequently to that rather ponderous but highly respected monthly publication. In his later years Burwell devoted himself to upbuilding the material resources of the state insofar as that could be effected by organs such as the New Orleans Chamber of Commerce. He was secretary of the Chamber for the greater part of its precarious existence. He died in 1888.

Another, but much less attractive specimen of the postwar New Orleans newspaperman, was Dr. Hugh Kennedy—or, as he liked to sign himself, "Hu" Kennedy. He was a contemporary of Burwell, but his alliance with the Carpetbag oppressors of the city was prompted by none of the noble, though perhaps mistaken, motives that sent Burwell into their camp. Kennedy was an Irishman, and even with a decade of residence in New Orleans behind him, does not seem to have had any conception of the depth and intensity of feeling that the community cherished regarding the "scalawags," grafters and rabble-rousers who were plundering its wealth and exploiting its citizens. Kennedy's reward came in 1864, when the Federal soldiery installed him as mayor of New Orleans. He served one term. His administration was not very successful, and I fancy he had few regrets when it came to a close.

Kennedy was born in Belfast in 1810, and was a highly-trained pharmacist. He was educated in Belfast and London, and tried his hand at law and newspaper work in those cities, as well as at his own profession. He came to America in 1833, settling first in New York City, but finding the North uncongenial, soon transferred himself to New Orleans. For twenty years he owned and operated a drugstore at the corner of Chartres and Bienville

streets. He married a daughter of Maunsell White, and was thus a brother-in-law of Cuthbert Bullitt, Carl Kohn, and other Louisiana magnates.

From about 1845 to 1849 Kennedy was an assiduous contributor to the New Orleans press. But he did not become a full-fledged journalist till he acquired the *True Delta*. He ran that paper in the violently controversial style which was tolerated in those days. He made it an all-out Democratic organ, and printed furious denunciations of everybody and everything that did not square with the doctrines which he professed. He was always ready to support his literary performances with his fists, or any other weapon that his adversaries desired; nor was he above throwing snuff in the eyes of any such that he encountered in the street, and while thus temporarily blinded belaboring the unfortunate with a walking stick. His intellectual status may be gauged from these characteristics. He left New Orleans in 1870 and went to Kentucky, where he got interested in coal mining, and made a fortune. He died in Louisville in 1888.

Burwell and Kennedy were representatives of the two types of New Orleans journalists who, for very divergent reasons, affiliated with the ruling element in the Reconstruction era. They were not many. The majority of the local newspapermen held aloof from the invading hordes. What happened to them may be gathered from the case of Major William J. Seymour, of the *Commercial Bulletin*, and his sub-editor, J. C. Dinnies. The *Commercial Bulletin* was founded in 1848 by Seymour's father, Isaac G. Seymour, and edited by him down to the outbreak of the Civil War. Thereupon he laid down the editorial quill, went into the Confederate service and, in 1863, at the battle of Gaines' Mill, fell fighting gallantly at the head of the regiment of which he was colonel.

The son, however, remained in New Orleans and made shift to keep the family property intact. During the attack on New Orleans by the Federal fleet, however, he served as aide-de-camp to General Duncan, and when the city surrendered to Farragut, was made a prisoner on parole. General Butler had his eye on Seymour, and one day, when there appeared in the *Bulletin* a brief obituary notice of its absent owner, seized upon it as a pretext to confiscate the paper. Seymour had incautiously, in a burst of very understandable filial pride, referred to his father's service in

the Confederate army as "dictated by a sense of duty." According to Butler these words constituted a criticism of the Federal authorities requiring summary and severe punishment. Seymour was sent to Fort Jackson and kept in close confinement in a damp and unwholesome cell for several months, until he was formally exchanged.

Dinnies shared Seymour's captivity. He was a harmless sort of individual, well advanced in years, whose work on the *Bulletin* was restricted to the discussion of commercial and agricultural topics which, by no stretch of the word, could be considered to reflect on Butler or on his administration. Captivity was harsher in his case than in Seymour's, for at his time of life, prison is a very grave matter. He, too, was eventually released. By that time the *Bulletin* had been handed over to two of the adventurers who flocked to New Orleans in Butler's train. Under their control the paper did not long survive.

Less harsh, perhaps, but no less characteristic of the high-handed procedures of the Federal officers in New Orleans during their occupation of the city, was the treatment accorded to Judge Alexander Walker, one of the most accomplished men who has ever graced the profession in this city. Judge Walker got his title when he became the presiding genius of one of the city courts in 1846. He was a Virginian by birth. He settled in New Orleans in 1840, after having won his spurs as editor of a newspaper in Cincinnati, Ohio.

Walker was editor of the *Delta* when Butler came into power. He had the temerity to predict the failure of Bank's expedition to the Red River, and the Federal military authorities chose to consider this a reflection upon them and their policies. Walker was arrested and, without trial, sent to Ship Island, where he underwent months of solitary confinement, in one of the casemates of a fort on that desolate bit of land.

After the war Walker was editor of the *Times* till 1872, and in 1874 was a member of the group of newspapermen who established the short-lived *Herald*. Later on, he wrote some valuable historical works, including a book about Andrew Jackson which was highly and deservedly praised by Jackson's most famous biographer, James Parton.

Daunted by these and other similar examples, the lesser lights of local journalism kept themselves properly dimmed.

Napier Bartlett, who was a man of great talent, and under more favorable conditions might have had a distinguished literary career, wasted his abilities in the alien field of fiction. There, at least, he was sure to give no offense. Certainly, nothing could be less offensive than the tepid romance of *Clarimonde*, or the tales in *Stories of the Crescent City*. Latterly, however he wrote *A Soldier's Story of the War*, which is an interesting account of his own adventures while serving in the Confederate army as a private in the Washington Artillery.

Bartlett was born in 1836 in Macon, Georgia, where his father, Myron Bartlett, a physician, founded the *Telegraph* and for thirty years edited it as a sort of offset to his professional labors. The son was educated at Andover, studied law with Judge Bleckley, of the Georgia Supreme Court, and graduated at the University of Louisiana (now Tulane) in 1858. Just how and why he came to the University of Louisiana is not known, but anyhow, as soon as he completed his studies there, he went back to Georgia, to edit a newspaper in Atlanta.

Then, in 1860, Bartlett located in New Orleans. When the Civil War began, he was a teacher in the public school in the Second Municipal District. On his return from the army, he was employed successively by the *Southern Star*, the *Crescent*, and the *Times*. By that time, wearied with the tribulations of journalistic life in the badgered and plundered city and discouraged at the obscurity in which lay the only way of security for gifted writers, he purchased the *Claiborne Advocate*, at Homer, Louisiana, and edited that sedate publication till his death in October, 1876.

A much more widely known, and perhaps much abler journalist who tried his hand at newspaper work in New Orleans in those distressful times, and after a brief experience retired discomfited to other fields, was Donelson Caffery Jenkins. Before the Civil War Jenkins was regarded as the most brilliant editorial writer in the United States. He was born in Vicksburg in 1825, descendant of an old and prominent Mississippi family. Before coming to New Orleans to take a position on the *Delta*, he had earned a splendid reputation as a writer in Texas. In 1870 he went to the *Picayune* as associate editor, where he worked with the picturesque Rhett, hero of one of the most sensational duels in the history of journalistic scandals in Louisiana. The *Picayune*

was at that time owned by a "syndicate" of New Orleans business-men, headed by the elder Hugh McCloskey. This multitudinous control did not turn out as well as its promoters expected, and after a stormy and very brief period, they were glad to relinquish the paper into the capable hands of its former proprietor, Colonel Holbrook.

For a short time under the "syndicate" Jenkins and a man named Duncan were the joint editors of the *Picayune*. Of Duncan nothing is really known. Jenkins did his best to infuse his own buoyant spirit into the staid and decorous columns of the old journal, but the effort asked too much even of his exceptional gifts, and he finally handed in his resignation. He went back to Texas, became the editor and vice-president of the *Galveston News*, and when the *Dallas News* was absorbed by its competitor, edited both papers with exceptional success. In his old age Jenkins retired to California, and died at Sierra Madre, in that state, in 1908, in his eighty-third year.

Daniel Dennett, of the *Picayune*, was one of those Northern-born newspapermen who identified themselves wholeheartedly with the South, and was an outspoken advocate of its peculiar political and social theories, when such frankness was not altogether wise or safe. He was a native of Maine. He was born in 1818. Before coming to the South he taught school in Ohio and Iowa. He then spent a year in Texas, and came to Louisiana in 1842, to buy and edit the *Planters' Banner* in Franklin. His later life, however, was spent in New Orleans on the staff of the *Picayune*. He was one of the earliest propagandists for the agricultural interests of his adopted state, and wrote a book on the subject which had a wide circulation.

Another New Orleans newspaperman who was born outside of the state of Louisiana, and who in his day enjoyed a national reputation was John W. Overall. Overall was from Virginia, a member of an old family which settled in the Shenandoah Valley in 1700, and contributed a bishop to the Episcopal Church, as well as various distinguished personages to the other learned professions. He was identified with the editorial staff of the *Daily Creole*, the *Delta*, and the *True Delta*. During the Civil War he served for a time as secretary to Mayor Monroe. That did not recommend him very strongly to the Federals when they captured New Orleans in 1862, and some years later he deemed it wise to

remove himself to other scenes—first to Richmond, Virginia, and then to New York City, when he was a conspicuous journalistic success. He was a charming poet as well as a writer of graceful prose.

Overall figured in an unfortunate incident which saddened his subsequent life, although he seems to have been entirely blameless in the matter. This was the death of the young actor, Copland. He and Overall became involved in a controversy over the merits of an actress then engaged at the Grand Opera House, and they wound up with a shooting affray in the barroom of the old St. Charles Hotel. Overall, in addition to his other talents, was a very acute and rather caustic dramatic critic. He expressed himself unfavorably about the lady in question, and Copland felt that he had gone too far in speaking of her abilities—or lack thereof. So he armed himself, and accompanied by two fellow-professionals, set out in quest of the offending newspaperman. They found him at the hotel bar. Copland immediately opened fire. Overall defended himself, and when the smoke of battle cleared away, the chivalrous but misguided young actor lay writhing on the floor with a wound in the leg. Taken to a hospital, the injury became infected, and Copland expired a few days later.

There were some New Orleans journalists who were natives of other countries than the one which was the scene of their professional labors. Of these, one of the most picturesque was Don José Quintero. He was a dashing, swashbuckling, romantic individual, as ready with the sword as with the pen. He was the hero of a dozen duels, two or three wars, and endless journalistic squabbles of one sort or another, the mere enumeration of which would occupy more space than we can dedicate to his entire biography. Don José was born in Havana in 1829, the son of a wealthy Cuban planter and an English lady, his lovely and accomplished wife. The son was brilliantly educated, first at the College of San Cristóbal in Havana, and then at Harvard University. He seemed all set for a life of elegant leisure, but fate had another and less agreeable destiny in store for him, and before many years had passed, the gifted young student was a homeless exile, stripped of the family possessions, and dependent on his own efforts for the bread that he put into his mouth and into the mouths of his family.

While a student at Harvard Quintero contributed poems to the Boston newspapers which attracted the favorable comment of such men as Longfellow and Emerson. He became a friend of Edward Everett Hale, and is said to have provided him with the material subsequently worked up into the story of *Philip Nolan's Friends*. From this congenial environment Quintero went back to Cuba to become involved in the revolutionary movement of 1848, to fight a futile fight against the Spanish, to be captured by them, and to be sentenced to death. He was thrust into a dungeon in the Morro castle, so deep and dark that escape was deemed impossible; nevertheless, he did escape, and by some miracle managed to make his way to the United States. He came to New Orleans, and then went to Texas, and set up there as a lawyer, in partnership with Mirabeau B. Lamar, the third president of the Texan Republic.

During the Civil War Quintero served the Confederacy as its agent in Mexico. When that was over, he returned to Texas, and edited two or three newspapers there, one of them the *Texas Ranchero*. Thence to New York, where he was for several years editor of the Spanish edition of *Frank Leslie's Pictorial Weekly*. Finally, Quintero arrived in New Orleans, and there he spent the last nineteen years of his life, nearly all of them in the employ of the *Picayune*. He died in New Orleans in September, 1885.

Quintero was a man of many and outstanding talents, but, like so many of his contemporaries, fate denied him the opportunity to use them where they would have netted the most profitable return. He wrote with equal facility in English and Spanish. In both languages his verses were widely read—and promptly forgotten; or, at any rate, forgotten insofar as the public of his adopted country was concerned. One may see in Cuban anthologies an occasional poem of his reprinted among the gems of the island literature; but even there, in his native land, no effort has been made to bring together in book form the graceful products of his busy pen. Quintero had the misfortune to live in one of the great, revolutionary moments of history, and in the turmoil of the time he (and not he only) was all but lost to sight. In such epochs the rush of political and military events sweeps away much that is merely beautiful, or elegant, or charming; and no one suffers eclipse so certainly as the poet. Alas that it should be so!

In 1885 the city editor of the *Picayune* was R. Bowman Matthews, a youthful collegian then recently come to New Orleans from one of the Florida Parishes. Matthews was probably the best-equipped newspaperman in the South in his day. He had every quality that helps to success in journalism—save one. He could have risen to very great distinction in his profession but for an incurable aversion to hard work and responsibility. This characteristic was not inconsistent with occasional bursts of almost frantic energy or with brief assumptions of powers and burdens that no one intimately acquainted with his temperament would expect him to take on. It was this reluctance to be up and doing, however, which led Matthews eventually to resign from the editorial staff and resume his place in the reportorial ranks of the *Picayune*. There, as he well knew, he had no rival. His grasp was universal, his style vivid, his speed and accuracy in the collection of information truly astonishing. His manner was winning, his judgment unerring. Tremendous tasks like the congressional investigation of the presidential election of 1876 in Louisiana, he handled for the *Picayune* all alone. Every day during the sitting of the commission which came down from Washington in that connection, he turned in copy enough to fill several pages of the *Picayune*, in ample time, with the manuscript like copperplate down to the very last word, requiring no editorial revision before it went to the printers. He was deeply interested in the work of the commission, and that interest sustained him through a gruelling experience, in spite of his chronic dislike of labor otherwise. Finally, Matthews was a superb interviewer, at a time when that branch of journalism was comparatively new and undeveloped.

Eventually Senator Randall Lee Gibson offered Matthews the post of private secretary. He went to Washington to take up his duties, and thereafter returned to New Orleans only at intervals and never for a prolonged stay. He was admirably fitted to shine in Washington political and social circles. He took with him to the national capital the additional appointment of correspondent for the *Picayune*, and for upwards of ten years served the paper in that capacity. It cannot be said that he over-exerted himself in the service of the newspaper to which he owed no small part of his advancement. He was not "scooped" very often, but his dispatches were beautifully brief, and with the lapse of time tended to become more—shall we say, concise?

But what would you? That was Matthews' temperament. Eventually he wearied of both his political and his journalistic commitments, studied law, and was just on the point of being admitted to practice in Washington, when death overtook him.

When Matthews left the local scene, the managing editor of the *Picayune* was George W. Lloyd. He was a product of the old school, and entertained the conviction common in his day, that a little learning was by no means a dangerous thing. For him, a knowledge of the Bible, Shakespeare and Macaulay's history constituted a sufficient educational setup for any profession.

On the *Picayune* at that time was Minor Elmore, a relative of the well-known novelist, Grace King. Elmore was a college man, and knew many things besides those which his nominal chief, Lloyd, regarded as essential to a cultured person, but he died before his powers really matured. After making his mark on the *Picayune*, Elmore found himself one of the proprietors of the *States*, and finished his all-too-short career in the employ of that periodical.

"Major" J. T. Halsey, who had been secretary to Governor Wiltz, was another member of the *Picayune's* editorial staff at that time: a finely educated and scholarly man, who was, however, now at the end of a long career, and did not long survive his advent in the *Picayune* office.

Before passing on to speak of a later generation of newspapermen, let me recall the name of James J. Lea, whose daughter, Fannie Heaslip Lea, is a well-known novelist. Lea, however, has a right to be remembered for his own sake. He was born in Madisonville in 1859, and went to work on the *Picayune* as an office boy when he was ten years old. His first task was to make trips to the city hall to bring back the copy of Paul Waterman, then the *Picayune's* police reporter. From the *Picayune* Lea went to the *Price Current*, and reported the markets—that is, the prices of stocks and bonds, comestibles, and staples like cotton. He was next connected with the *States*, and served it as river reporter, commercial reporter, and associate editor. In the latter capacity he indited innumerable articles on commercial subjects, and was frankly envious of William Grant, Joe Aby, and other veterans who were at liberty to write on more interesting themes. Lea next accepted the editorial responsibility for a short-lived publication, called *The Merchant and Manufacturer*. It speedily

collapsed, whereupon he established his own organ, the *Trade Index*, which he owned and edited for twenty-five years, finally selling it to a gifted young man named Branam.

For two years Lea worked at the New Orleans Cotton Exchange. During that time he compiled *A Statistical History of the American Cotton Crop for a Period of Forty Years*. This monumental work ought to have cemented its author's reputation, but, unhappily, at that juncture a half-insane youth in the Balkans shot an Austrian archduke, and in the world disturbance which ensued, interest in cotton statistics dropped to zero, and Lea's masterpiece failed to attract the attention that was rightly its due. When the First World War ended, Lea was a proofreader on his old paper, the *States*. In that capacity he continued till his retirement in 1924. He died a few years later.

One of those who, beginning when the Reconstruction era was nearing its termination, successfully weathered its confusions and handicaps, and to the end of a long and laborious life remained a vigorous and prominent exponent of the craft, was Norman Walker, of the *Times-Democrat* and later, of the *Times-Picayune*. He died at the ripe age of seventy-seven, after months of illness, which sapped his physical powers but never impaired the strength of his intellect. With his demise there passed from the scene one of the finest journalists that New Orleans has produced; for he was a native of the city in which all of his journalistic career was spent. During his boyhood, while the Civil War was being fought out to a devastating conclusion, his parents occupied a plantation home near Baton Rouge. There he experienced at first hand the daily suffering and hourly apprehensions of a typical Southern family in that trying period, when the allegiances of the slaves were crumbling away, and the whites looked with dread to the dawning of each new day, with all its possibilities of disaster.

In choosing a profession Walker followed the example of his father, Judge Alexander Walker, of whom I have spoken elsewhere in this essay. He studied law at Washington and Lee, in Virginia, but finished his studies at the old University of Louisiana, now Tulane University. He never practiced his profession. There was not much inducement in 1873 for a young man to enter the professional occupations in New Orleans. Moreover, there was the fact that his father was a leading member of the journalistic fraternity. What more natural, then, than that a briefless

barrister should desert the forum for the sanctum—that is, go into newspaper work? Walker did so and almost at once won his spurs by reporting, virtually singlehanded, the stirring events of September 14, 1874. His start was under the aegis of the *Picayune*; later, he was connected with the *Times-Democrat*, and then, through the consolidation of New Orleans' two leading morning dailies, in 1914, he found himself serving his first employer; so that it can accurately be said that his entire newspaper history, extending over more than half a century, was included in the evolution of a single great newspaper.

Although Walker liked to recall that his earliest writings to attract more than passing attention were of a humorous cast, it was as a statistician and as an analyst of facts and figures that he became nationally known. On many occasions he was called on by the government in Washington to furnish it with statistical data relative to Louisiana. It was in this way that he came to write a remarkable volume on the history and characteristics of the Mississippi River, probably his largest and most impressive achievement. He was also regarded as an uncannily skilful political prophet. His forecasts of the trends of public opinion were so often verified in the event, that they were accorded the most respectful consideration in political circles, national as well as local.

Probably the thing which best qualifies him for remembrance in the South was his work as New Orleans correspondent of the *New York Sun*. For a long term of years, while Charles A. Dana and his successor, Laffan, were making the *Sun* one of the foremost journals of the country, Walker contributed week by week articles filled with constructive information about the South, its industrial and social conditions, and its political reactions. Neither Dana nor Laffan were friendly to the South. Much of the time they were vitriolic in their denunciation of Southern hidebound Democracy. But, in spite of the anti-Southern philosophies of those two able and outspoken men, they reposed entire confidence in the integrity of their New Orleans representative, and Walker's lucubrations found their way into the columns of the *Sun* without the alteration of a single word. It is probable that, in this way, he did as much as any single individual anywhere, to heal the wounds left behind by the Civil War. Undoubtedly, he helped mightily to bring Northern opinion around to the kindlier and juster attitude which, in more recent days, has prevailed there.

regarding a section of the Union previously looked on too often as conquered enemy territory, peopled by potential rebels, requiring to be watched and repressed for fear of further mischief.

Walker was a journalist, first, last, and all the time. His other activities were all knit in with this one primary vocation. He had the encyclopedic mind of the born journalist; that is, he absorbed information automatically on any and all subjects, kept it stored in an amazingly retentive memory, and was able to utilize this material at will, in the processes of composition. He was an omnivorous reader, but the catholicity of his habit was corrected and chastened by an exacting literary standard. But he never learned to play. Journalism was his occupation and his hobby. His only relaxation was found in the companionship of his family, and in the society of a small group of intimate friends. Late in life, when the systematization of newsgathering had removed to a considerable degree the need for the intensive labors of his earlier years, he extended his activities into such civic areas as education, art, and the promotion of public library services. He served as a member of various committees charged with the supervision of such enterprises, and his advice and cooperation were highly valued by his associates there.

It is to be regretted that Walker never put into execution an often announced intention of publishing his memoirs. The project, constantly proposed, was as constantly postponed. His last illness overtook him before he was able to give us what would undoubtedly have been a document of inestimable value for the future historians of social conditions in Louisiana. His normally robust constitution began to disintegrate from the time that he served on a draft board during the First World War. Some eight or ten months prior to his death he became something of an invalid. Finally, a paralytic stroke, combined with a heart ailment, brought his career to a painless close. Walker often remarked, jestingly, that he expected to live to prepare his own obituary notice. A few days before his death, realizing that the end could not be long delayed, he told his wife that he had, in fact, written a sketch of his life, and left it in his desk at the *Times-Picayune* office. This, he said, should be published when he passed away; but a careful search failed to discover the manuscript, and thus we are deprived of much information concerning an interesting man which, otherwise, we would probably have.

Among Norman Walker's contemporaries in New Orleans was another accomplished litterateur who happened to have the same family name. They were, however, in no way related. It was a mere coincidence that two gifted personages with identical patronymics should have been engaged in the same occupation, in the same place and at the same time. William Walker was the son of a widely known Methodist preacher. He was born in Canton, Mississippi, in 1846. He was graduated with the master's degree from the Southern University in Greensboro, Alabama. After two strenuous years in the Confederate army, under Forrest, Walker came to Louisiana and made a rather futile gesture of teaching French and German in the public schools of Baton Rouge and New Orleans. At the same time he began to contribute to the *Picayune*, and when offered a place on the staff of that paper, gladly relinquished the pedagogical ferrule to grasp the journalistic stylus.

Walker's connection with the *Picayune* began in 1867. In 1889, for reasons of health, he left New Orleans and took up his residence in Brandon, Mississippi. Thence he continued to send frequent articles to the *Picayune*. He made a specialty of a literary editorial in the Sunday edition of that paper. Every week, down to his death in October, 1908, he furnished the *Picayune* with a column of comment usually based upon some recent publication, but often dealing with other topics of more general interest. These articles, written in a popular style, but backed by profound learning, and marked by extraordinary charm of style, were read in many parts of the world, and brought the author not a few flattering messages from distinguished persons who had found in them something to their liking. One of these, of which Walker was understandably proud, was from Lord Wolseley, the celebrated British field marshal. Wolseley wrote to express his admiration of an analysis of the character of General Robert E. Lee which Walker had published in the *Picayune*. The famous British soldier was struck by the justness and penetration which Walker showed in delineating the military point of view, as exemplified in the life of the Southern hero.

It was Walker's Sunday editorials in the *Picayune* which inaugurated that kind of thing in New Orleans. They inspired the similar articles published in the Sunday *Times-Democrat*, where Lafcadio Hearn's graceful pen sought and found a con-

genial task. When Hearn abandoned the New Orleans field, Mrs. Durno and Mrs. Baker carried on the delightful practice until tastes changed, and the public no longer cared for literary and philosophical disquisitions as a portion of their Sabbath-day reading, and developed a preference for comic strips and muck-raking syndicated articles of strictly ephemeral interest.

It is, perhaps, stretching somewhat the definitions set up at the inception of this article to include in it, even cursorily, references to Theodore Wharton, Emile Stier, or Wallace Bostick. Yet, in a way, they, too, represent the transitional period in New Orleans journalism. Their lives spanned the final years of the Reconstruction era, and extended into the new order which came in towards the beginning of the century, but they touched neither in the intimate fashion of those to whom I have already alluded. "Ted" Wharton—nobody ever called him Theodore!—was first identified with the *Times*, then with the *Democrat*, and when these two papers were consolidated, with the *Times-Democrat*. With the exception of eight years as city editor of the *States*, Wharton's entire newspaper career was spent in the employ of these three papers—a period of approximately thirty years. He was the son of Major E. C. Wharton, a well-known figure in New Orleans literary circles, who wrote several books, including some excellent fiction. The son was born in New Orleans in 1859, and obtained his education in the New Orleans public schools—which were none too good in his day. Shortly after leaving school he got a small job on the *Times*, and thereafter his fate was sealed—he was a journalist! He made his way up to the city editor's desk on the *Times-Democrat*, and held that onerous post for twelve years.

The Spanish-American War completely transformed Wharton's life. Immediately upon the declaration of hostilities he organized a company of infantry from the members of the *Times-Democrat* staff, and was its first lieutenant. A few months later, when Captain Pool resigned, he succeeded to the command. When the not-very-cruel war was over, he came back to the city and tried to fit himself back into the accustomed journalistic niche, but the effort was fruitless. Like many another veteran, his army experience had left him with new tastes and ambitions. So he went into business. First he was cashier in the local post office, and then he became an insurance agent. He liked the

insurance business, and continued in it till his death in 1927. Incidentally, he established and edited a technical publication, *The Indicator*, devoted to insurance matters.

Emile Stier, who died in 1930, aged sixty-one, was a newspaperman from his early youth. Born in New Orleans and educated in its public schools, he found employment first in the circulation department of the *Item*. Later on, he held reportorial positions on that paper and on the *States*. Finally, he got into publicity work. Governor Fuqua put him at the head of the publicity bureau of the Louisiana State Insurance Department. At the time of his death, Stier was secretary-manager of the Old French Quarter Civic Association, and edited the *Old Quarter News*, a weekly sponsored by that organization. It should be remembered that he served as secretary of the New Orleans chapter of the American Red Cross during the First World War, and with no less unselfish spirit labored long and well to promote the Boy Scout movement in New Orleans.

J. Wallace Bostick spent fifty years "covering" the New Orleans Cotton Exchange for the *Times-Democrat*, the *Picayune*, and for the heir and continuator of those two papers, the *Times-Picayune*. He was seventeen years old when, in 1879, he entered the employ of the *Times-Democrat*. His first assignment was to procure from the Exchange a report of the day's transactions. In that casual manner began a connection which lasted for an extraordinarily long time. On the *Times-Democrat* he was eventually decorated with the title of financial editor, which merely meant that, in addition to his reportorial work at the Exchange, he wrote many very dreary but no doubt informative editorials on business topics. In 1884 he went to the *Picayune*, to take over a similar position, made vacant by the death of "Colonel" William M. Smallwood. There he remained till 1914, when the consolidation of the *Picayune* with the *Times-Democrat* brought him back virtually to the point at which his journalistic history had its inception. In the rapid-fire promotions which took place on the *Picayune* in 1913 and 1914, he was for a short time managing editor, and then for a shorter time editor-in-chief. He had to relinquish both positions when the consolidation took place. The rest of his life was spent compiling the daily report of the activities of the Cotton Exchange, and in composing such contributions to the editorial page of the *Times-Picayune* as the policies of the new organization required of him.

Bostick's long familiarity with the procedures of the Cotton Exchange and with the intricacies of the cotton business made him in time an authority on both subjects. He was constantly in possession of data which could have been legitimately employed for his own personal profit, had he gone into the speculative side of the cotton business. But in deference to the newspaper code as understood in his day, he held it a point of honor not to make such use of knowledge which he acquired as a newspaperman. Newspapermen were then very punctilious about their reputation for impartiality and reliability, and thought that any sacrifice was justified in maintaining it. Information which reached them in what may be termed an official capacity was regarded as confidential, to be strictly differentiated from information obtained as private parties; and when it was impossible to establish a clean-cut demarkation, the decision had to be on the unselfish side. It is worth adding here, that Bostick's irreproachable professional conduct in the premises did not occasion any special comment or admiration among his fellow craftsmen. They took his behavior for granted: Hadn't they done the same, and wouldn't they do it again, as the need arose?

Bostick's one distraction from the professional routine was the state militia. When twenty years old he enlisted in the Washington Artillery, and for ten years served as its sergeant major. In 1894 Governor Foster selected him and Captain J. S. Watters to organize a battalion of naval militia. Three years later, when Watters resigned, he was promoted from lieutenant commander to commander. During the War with Spain he took the Battalion into active service, but neither he nor it ever got within shooting distance of the enemy. In all, his service in the state militia lasted from 1884 to his death in 1941.

Such were some of the men whose stories bridge the gap between the old, irresponsible, Bohemian days of journalism in New Orleans and the formal, highly-organized, comparatively colorless epoch in which we now live, move, and have a more-or-less uninspired being. They are but a few, perhaps not the most typical, nor the most influential of those whom we might mention, did space permit. Regretfully we omit from the record Page Baker and his brothers, Marion and Henry; Thomas G. Rapier, C. Harrison Parker, Major Hearsey, the two Wickliffes, Henry Armstrong, Pinckney Smith, Stephen and Carleton Pool, Erwin

Craighead, John W. Fairfax, and that chivalrous, courtly, and rarely-gifted exponent of all that is best in the newspaper profession, Major Thomas E. Davis, for a generation the chief editorial writer of the *Picayune*. Some day—let us hope!—another and more competent pen will take up the narrative where the present writer leaves off, and will do justice to these men, too.

BOOK REVIEWS

Wild Is The River. By Louis Bromfield. (New York and London: Harper and Brothers, 1941. Pp. 326. \$2.50.)

Of the many books written recently about New Orleans and the adjoining parishes on the mighty Mississippi, Louis Bromfield's *Wild Is The River* is unquestionably one of the best in the realm of fiction which I have ever read. From beginning to end it is absorbingly interesting. The story is one of powerful and dramatic coloring, dealing with that never-to-be-forgotten and tragic episode of the history of New Orleans, its capture by the Federal forces and its reaction whilst occupied by "Silver Spoon" Butler and his horde of unscrupulous soldiery.

It is written in the strong, virile, vivid and ever colorful style of one of the masters of English fiction of our times. Louis Bromfield certainly stands today in the forefront of American authors. He has traveled considerably and his viewpoint is that of one who has seen the world and has observed keenly the customs and usages of the places and people that he depicts in forcible and unerring terms. His books dealing with France show that he loves that country and that he fully understands the undercurrents and trends of present-day French life and the many events of a dramatic and tragic character which shape it. Because of its French origin and for other reasons Louisiana has evidently proven most appealing to him.

"Wild," indeed, must have been "Old Man River" as he swept in crescent fashion along the shores of the Southern metropolis and as he witnessed the many doings, both tragic and playful, serious and light-minded, patriotic and barborously inhuman, of those who lived in New Orleans in the early sixties under the heels and the unscrupulous authority of a Federal commander and of a military staff who made themselves cordially detested by the best element of the unfortunate city as well as by the rabble, the working classes and the more humble among our citizenry.

Bromfield had rich material to draw upon which he wove into a tale of contrasting soldierly debauchery and patriotic defense, of revelry such as you will always find among the captors in time of war, and of the many expedients that the captured

will resort to in order to defeat the nefarious purposes of the conquerors and in order to cling with desperate faith to a cause which they felt was every day losing ground as well as losing men and material.

Under the assumed name of "Wicks," General Ben Butler and his wife, as well as many of his other relatives, staunch Northerners, mostly Bostonians, whose rapacity and love of money are shamefully exposed, leave no stone unturned in stripping the city of its cotton, its sugar, its accumulated crops, the jewelry and silverware of the aristocratic creole element and all the objects of art and refinement which filled the stately mansions of Royal, Bourbon and other streets of the famed *Vieux Carré*.

While the hero of the novel is a certain Major Tom Bedloe, strong of build and of impulse, holding the lucrative office of Collector of the Port with complete unscrupulousness and leading a life of nightly drinking, fighting and reckless revelry which his constitution and youth seemed to warrant, and while he is one of the many of the army of occupation whose sole purpose seems to be to plunder the city and to enrich themselves at the expense of the citizenry of the captured metropolis, we cannot but feel sorry at his untimely and tragic death, as there are many redeeming traits about the man, such as an utter spirit of frankness and fairmindedness which compel him at times to censure in no unmeasured terms the hypocrisy and the puritanical sham of General Wicks (General Butler), his wife and all those who make up the hated conqueror's household and who assume at times a virtuous mask which Tom Bedloe takes special delight in tearing off. The man is unquestionably a scoundrel, but a "lovable" scoundrel. Moreover, he pays in full and with heavy interest for all his follies and vagaries.

The heroine is sweet and unsophisticated Agnes Wicks, the niece of the Yankee conqueror, who travels from Boston to New Orleans in an attempt to save her fiance, Major Bedloe, from his corrupting surroundings and the many dangers which daily and nightly beset him. She is accompanied on the perilous journey by one of the most delightful characters of the novel, Aunt Tam, one of the Wicks family, who has traveled a great deal and who because of that fact and a rugged sense of honesty and humor has refused to become the puritanical and tyrannical old maid that one born in her surroundings and with her ancestral traits would have logically grown up to be.

The creole element of the city is represented by the de Leche family, one of Spanish ancestry and of French education. Baroness de Leche, a widow, young, beautiful, passionate and utterly unscrupulous, plays the most important feminine part in the book. Her home in the city and her plantation in one of the adjoining parishes are the scenes of events of a dramatic and swiftly developing character which the times brought forth. Both city and country life as carried on during the War of Secession are powerfully described by the author. New Orleans in the days of the Butler occupation was constantly the scene of dramatic and tragic episodes which have not been exhausted as yet by historians and other writers. The book is permeated with local color of a none-too-exaggerated type. Added to the horrors of war, yellow fever epidemics, unsanitary conditions and a reckless abandon in nightly revels and debauchery, the practices of voodooism and the relationship between the whites and the blacks in time of slavery and at the moment of emancipation are all depicted in strong and image-compelling language.

Wild Is The River is indeed a majestic fresco, with its vivid and contrasting colors and figures of humanity, each in its own niche, carrying on in accordance with their principles, good and bad, at a time when hideous war had unleashed the passions of both the occupants and the conquered. In the light of what history has taught us, New Orleans must have been very much what Louis Bromfield brought out in his masterful novel. I read it with considerable interest and profit. It ranks among the author's best in the many good books that he has written.

Andre Lafargue

Brave Mardi Gras: A New Orleans Novel of the '60s. By W. Adolphe Roberts. (Indianapolis and New York: The Bobbs-Merrill Company, 1946. Pp. 318. \$2.75.)

W. Adolphe Roberts, the author, is surely most welcomed among the writers of fiction who lately have devoted their time and talent to phases of Louisiana life, history and customs. In the field of literature, and more particularly in that of fictional writing, Louisiana seems more than ever to have come into its own, as it were. Our racial antecedents, our glamorous past under four different regimes, the French, the Spanish, the Confederate and the American, have time and again tempted novelists of the present and previous generations. The author of *Brave*

Mardi Gras, W. Adolphe Roberts, is a historian, a biographer and a poet. In each capacity he has already given full proof of his worth and talent through books of a serious and highly instructive character.

Brave Mardi Gras is practically a sequel to *Royal Street*, a novel dealing with New Orleans life in the forties. Several of the personages in *Royal Street*, some bearing well known Louisiana names of the times, reappear in *Brave Mardi Gras*, such as the Oliviers, the DuQuesnays, the Boothbys and many others whose family names have figured prominently in the social and political as well as in the military annals of our Crescent City and of our State of Louisiana. And thus in *Brave Mardi Gras*, in addition to those just mentioned, we come across representatives of the Augustin, de la Ronde, Lafargue, Broussard and Ducros families. We are glad to renew our acquaintanceship with the former and to welcome the latter.

Royal Street, depicting New Orleans and Louisiana in the forties, was written—and quite properly—with a background of social life and of the business world in which the Creoles easily predominated, with their passions, their keen sense of elegance and beauty, their bravery and their readiness to fight on the field of honor at a moment's notice. As a matter of fact, I have previously written that *Royal Street*, in my judgment, was one of the best novels written about that far-famed institution, the "code duello," which Louisianians firmly believed in and upheld to the last drop of their blood.

Twenty years thereafter, the main event of a tragic and all-compelling nature which easily predominated in Louisiana history, and for that matter in that of the whole South, was the Civil War, or, to give it a better and more significant name, the War of the Confederacy. Mr. Roberts could not write about New Orleans, either fictionally, historically or otherwise, without referring to the struggle which set North against South and which for four long and bloody years devastated sections of the Union which still bear the scars of the never-to-be-forgotten clash. And so *Brave Mardi Gras*, though it does full justice to its title and tells us very faithfully how our Carnival organizations were founded and developed and how the Carnival spirit completely permeated New Orleans and its inhabitants even in times of national stress, is written against a background of military

operations which from the beginning to the end remind the reader that the lighter moments, the great love of the two heroes, Blaise Lamotte and Lyn Lewis, the romantic episodes, the gay life of the *Vieux Carré*, the entertainments of high or low degree are all tempered and thwarted at times by the roar of cannon, the bursting of shells and the staccato of musketry.

The times that Mr. Roberts depicts in *Brave Mardi Gras* did call indeed for "bravery" of the highest order, initiative of the most spontaneous and dashing character and military valor and strategic ability such as the great leaders of the Confederate armies displayed. Beautiful, dashing and romantic Lyn Lewis, who by heredity, tradition and training should have been a warm defender of the Northern cause, is so impressed with the justice of the cause of the South and, let us also say, so wrapped up in her handsome, brave and young lover, Blaise Lamotte, a Southern champion and ardent exponent of the secessionist movement, that she herself serves in the the war as a dispatch bearer of the most resourceful and courageous character.

The four division heads of the book, "The Red Magnolia," "The Beast," "Fruitless Victory" and "Finale," are very aptly termed. In truly romantic fashion Blaise Lamotte, the hero, and his friends dip their creamy-white magnolia boutonniers in red wine and drink to the victory and success of the Southern cause. All of the events leading up to the Confederate War are romantically and entertainingly referred to in this first part of the book, and we are here shown how a Carnival organization, the Krewe of Artemis, can serve well and faithfully as a secret military center of information while under the guise of a Mardi Gras or festive institution. "The Beast" is, of course, General Ben Butler, leader of the Federal forces which occupied New Orleans in the early stages of the war and which have left us a memory of a none-too-savory character. "Fruitless Victory" shows us how the Confederates, fighting as bravely as they did on all fronts in the first two years of the war and later on in the Trans-Mississippi campaigns so brilliantly planned by General Dick Taylor and his aides, were finally overwhelmed by sheer weight of numbers and material. And the "Finale", of course is the happy reunion of the two lovers, after the reverses of Generals Dick Taylor and Kirby Smith and the surrender at Appomattox of the great and well-nigh invincible Robert E. Lee had made further fighting useless.

I have seldom read better and more accurate descriptions of the battles of Bull Run, Manassas, Mansfield and other engagements in northern and western Louisiana than those given by Mr. Roberts in this novel. They are sober, concise and yet vivid accounts of military encounters of great and decisive importance; but, of course, we should remember that Mr. Roberts is not only a novelist but also a keen and accurate historian, a combination of a most felicitous character and one which is bound to give his literary production, be it fictional, historical, biographical or merely lyrical, a standing of its own. We understand that Mr. Roberts is to follow up *Royal Street* of the forties and *Brave Mardi Gras* of the sixties with a third novel dealing with New Orleans of the eighties. The third book of the series we know is bound to be a work that the inhabitants of the Crescent City and their friends will keenly enjoy.

Andre Lafargue

INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
LXXXIV.

July, 1785.

(Continued from April, 1946, Quarterly)

By LAURA L. PORTEOUS
(With Marginal Notes by Walter Pritchard)

Spanish officials appearing in this installment:

Esteban Miró, Colonel of the Fixed Regiment of New Orleans
and Governor of the Province of Louisiana.

Martin Navarro, Intendant General of the Province of Louisiana.

Juan Doroteo del Postigo y Balderrama, Auditor of War and
Assessor General for the Province of Louisiana.

Alcaldes: Nicolas Forstall; José de Orué; Jean René Huchet de
Kernion.

Escribanos: Fernando Rodriguez; Rafael Perdomo.

Public Attorneys and Notaries: Pedro Bertonière; Antonio
Mendez.

Nicolas Fromentin, Deputy Sheriff.

Luis Lioteau, Official Taxer for Costs of Court.

Esteban de Quiñones, Public Translator and Interpreter.

Antonio Escarrion, Public Town Crier of New Orleans.

Public Appraisers: Adrien de la Place; Andres Wackernie.

Arbitrators: Juan Ceresola; Antonio Moren.

July 2, 1785.

Proceedings brought by Pedro Dolet to prove himself to be the heir of Pedro Dolet and of Maria Luisa, his parents.

No. 3028. 12 pp.

Court of Governor Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

This proceeding, brought to establish the legitimacy and prove the heirship of an individual, affords a good illustration of the legal procedure in such cases in Spanish colonial Louisiana.

Testimony of the 1st witness, Francisco Deville.

witness Francisco Deville, Knight of the Military Order of St. Louis, resident of this city, from whom the Escribano, in virtue of the commission conferred upon him, received his oath which he made by God, Our Lord, and the Cross on his habit, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing petition he said that he has known Pedro Dolet for many years and that he has seen and traded with him in the house of Pedro Dolet and Maria Luisa Totin, his parents, who always called him son, and he called them father and mother, both parents being now dead. The witness was civil and military Commander of the Post of Natchitoches and at that time he knew them and they were respected by all the residents of the Post. This is the truth, under charge of his oath, he is 65 years old, and he signed, to which the Escribano attests. (Signed) Chevalier De Villiers.

Other witnesses testify.

Pierre Derneville, Knight of the Royal and Military Order of St. Louis, Pierre Dupain, Antonio Marmillion, Donato Bello, Boutet

Pedro Dolet, native and resident of the Post of Natchitoches, legitimate son of the lawful marriage of Pedro Dolet and Maria Luisa Totin, sets forth that from his baptismal certificate and other documents duly presented, it is evident that he is the son of his aforenamed parents, both deceased, and also that he is married to Rosa Dupres, and for more valid proof of the abovesaid and so that he may qualify as heir to his father and mother, he prays it may please the Court to receive the testimony of witnesses, on the tenor of this petition, and done, if the evidence is sufficient, to declare him the rightful heir of the said Pedro Dolet and Maria Luisa Totin. Governor Miro, on Juan del Postigo's advice, rules: Receive the testimony that this party offers, entrust the taking of it to the Escribano, and done, deliver the deposition to the petitioner.

In the city of New Orleans, on July 4, 1785; Pedro Dolet, for the testimony he has offered and has been ordered to give, presents as a

Lafitte, and Juan Bautista Armant, each in a separate declaration, corroborate the testimony given by Chevalier De Villiers, adding that Pedro Dolet is sole heir to his parents and that he had contracted marriage about three years before.

Pedro Dolet petitions to be declared heir to his parents.

The petitioner avers that it is evident from the foregoing proceedings that he has proven himself to be the legitimate son and heir to Pedro Dolet and Maria Luisa Totin, therefore he prays the Court to declare him as such and order the Escribano to give him a certified copy of this case, authorized in public form, in a manner that will have credit. Governor Miro receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 6, 1785, Esteban Miro, Colonel of the Fixed Regiment of this place and Governor of the Province, having seen these records, His Lordship said he must declare and does declare, as sufficient, the testimony given for Pedro Dolet; therefore he declares him to be the sole heir of Pedro Dolet and Maria Luisa Totin, his deceased parents, and for greater force and validation he interposes and does interpose his authority and judicial decree. Thus he has ordered, provided and signed. (Signed) Esteban Miro; Licenciado Postigo.

Pedro Dolet petitions for a copy of these proceedings.

The petitioner states that he has brought proceedings to legitimate his person, and considering that it has pleased the Court to declare him as such, therefore he prays His Lordship to order a certified copy of this case drawn up and delivered to him so that he may make use of it when convenient and favorable. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

The record ends here.

July 2.

**Claudio Treme vs.
Claudio Chavot.**

No. 3129. 9 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

The plaintiff alleges, through his attorney, that it is convenient to him, so as to prepare his action, to have Claudio Chabot, under oath and without delay, to swear and declare before His Honor whether it is not true that he reminded him of a note made in the plaintiff's favor by Pedro Miraval for the sum of 2,600 pesos, accepted for payment without limitation in the month of June, and done, deliver his declaration to the petitioner to use to enforce his rights. Alcalde Forstall, on Juan

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit, instituted to collect a debt from the debtor's surety, after the debtor himself refused to pay the obligation, illustrates the legal procedure in such cases. The surety's liability was first established by the testimony of competent witnesses, but he refused to pay the debt. A Writ of Execution was then issued by the Court, under which four of the surety's slaves were seized and ordered sold at public auction to pay the debt. However, before the slaves were sold, the surety settled the obligation out of Court, and the costs of the suit were assessed against him.

Declaration.

(July 2, 1785), the Escribano, in virtue of the commission conferred upon him, received Claudio Chavot's oath which he made by God and the Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing written petition, he said that it is false in all it contains. This is the truth, under charge of his oath, he is 50 years of age, and he signed, to which the Escribano attests. (Signed) C. Chabot; before Fernando Rodriguez, Clerk of the Court.

Claudio Treme petitions for a 2nd declaration from the defendant.

representation evident, may it please the Court to order Mr. Chabot, under oath, in due form of law, to return and declare whether it is not true that the note here mentioned was presented by Pedro Miraval and was accepted for payment without any limitation last June, and done, deliver his deposition to the petitioner. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Declaration.

(July 6, 1785), the Escribano, in virtue of the commission conferred upon him, received Claudio Chabot's oath made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing petition he said it is true that in the month of April Pedro Miraval went to the declarer's house and asked him to do him a favor, to be his bondsman for 2,600 pesos that must be paid when his ship, under Captain Lion, came in from Campeche, and that he, influenced by his many requests, put his signature on the back of the note made by Mr. Miraval

del Postigo's advice, rules: Let the defendant swear and declare to the contents of this petition, as requested, entrust the taking of the deposition to the Escribano, and done, deliver it to the plaintiff.

In the city of New Orleans, on the said day, month and year

The plaintiff avers that to prove the negative of the defendant and to make the truth of his repre-

In the city of New Orleans, on the said day, month and year

for the aforesaid sum, but he does not remember to whom the note was made, and if Miraval did not pay at the date of the arrival of his ship, his bondsman would have to do so. This is what took place, and is the truth, under charge of his oath, he is 50 years old, and he signed, to which the Escribano attests. (Signed) Chabot; before Fernando Rodriguez, Clerk of the Court.

Claudio Treme petitions to call witnesses. The plaintiff states that the records of the case have been delivered to him to use to enforce his rights, and reducing his claim to plain facts, so that he may prove the truth of his representation and Mr. Chavot's negative, may it please the Court to receive the testimony of the witnesses he will present, who will swear and declare, in due form of law, whether it is not true that they had seen and read that Chabot had accepted the note for payment in full, without any limitation, and that with these words he agreed to assume the full value of the note for payment in the month of June, and done, deliver the deposition of his witnesses to him. Nicolas Forstall, on Juan del Postigo's advice, rules: Receive the testimony that this party offers, entrust the taking of the depositions to the Escribano, and done, deliver them to the plaintiff to be used to enforce his rights.

Testimony of the 1st witness. In the city of New Orleans, on the said day, month and year (July 11, 1785), the Escribano, in virtue of the commission conferred upon him, received Pablo Segon's oath made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing petition he said that a few days before he met Claudio Treme and he saw that the latter had a note made in his favor by Pedro Miraval and on the back was written: Accepted for payment the sum on the reverse side (of this paper), and signed Chavot. This acceptance was made without any limitation. This is the truth, under charge of his oath, he is 40 years old, and he signed, to which the Escribano attests. (Signed) Pablo Segond; before Fernando Rodriguez, Clerk of the Court.

Testimony of the 2nd witness. Antonio Bonabel, under oath, declared that about two months or more ago Claudio Treme showed him Pedro Miraval's note made in his favor for 2,600 pesos, which note was endorsed with these words: Accepted for payment the sum on the reverse side, in the month of June 1785, without any limitation, and signed Chabot. This is the truth, under charge of his oath, he is 28 years old, and he signed, to which the Escribano attests. (Signed) A. Bonabel; before Fernando Rodriguez, Clerk of the Court.

Testimony of the 3rd witness, Pierre Miraval. Pedro Miraval, under oath, testifies that it is true that he made a note in favor of Claudio Treme for 2,600 pesos, payable in full in June of this year, and a few

days after Claudio Chabot signed as his security, agreeing to pay the full amount at date of maturity, without any limitation, should the declarer fail to do so, and that immediately after he delivered the note to Claudio Treme, who lent him the aforesaid sum of money. This is the truth, under charge of his oath, he is 35 years old, and he signed, to which the Escribano attests. (Signed) P. Miraval; before Fernando Rodriguez, Clerk of the Court.

Claudio Treme petitions for a Writ of Execution.

Bonabel and Pedro Miraval, Claudio Chavot has accepted the note without and conditions, and considering that Pedro Miraval, the principal debtor, by representation made in this Court, has been given respite by his creditors for payments in 8, 16, and 24 months, to which the petitioner has not agreed for the sum he claims, considering that Mr. Miraval had a bondsman who had promised to pay at date of maturity, and as this time has expired, may it please the Court to order a Writ of Execution issued against all or any of Chavot's property, sufficient to pay the 2,600 pesos, its one-tenth and costs, and he swears by God, Our Lord, and a Cross, in conformity to law, that the said sum is due and has not been paid. Alcade Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Regidor Perpetuo and senior Alcade Ordinario of this city for His Majesty, having seen these records, said that he must order and does order issued a writ of execution against the person and estate of Claudio Chabot for the sum of 2,600 pesos that it is evident he owes Claudio Treme, its one-tenth and costs, caused or that may be caused up to the real and effective payment. This is his decree, thus he has ordered and signed. Fees 2 pesos, received. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Marginal Note.

A marginal note stipulates that the writ of execution that was ordered has been issued and delivered to the party, to which the Escribano attests. (Signed) Rodriguez.

Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Claudio Chavot to pay Claudio Treme, immediately, the sum of 2,600 pesos, and if he does not pay at once, take execution against his person and estate sufficient to pay the said sum, its one-tenth and costs, the property seized to be placed in the keeping of the General Receiver of this city, at the disposition of this Court, as by decree rendered, dated this day. Thus it is ordered. New Orleans July 13, 1785. (Signed) Nicholas Forstall. By order of His Honor. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on July 15, 1785, before the present Escribano appeared Nicolas Fromentin, Deputy Sheriff, who said that, in virtue of the Writ on the reverse side of this page, he requested Claudio Chavot to pay Claudio Treme the sum of 2,600 pesos, and not having done so, he seized four of his slaves, namely: Maria aged 33 years, a negress; Emelia aged 14; Luis, a negro, aged 20 years; and Boulange, a negro, aged 30. He left the execution open to continue it when it will be ordered. This he asked to have set down as a matter of record which he signed and to which the Escribano attests. (Signed) Nicolas Fromentin; before Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions for the public calls for the sale of the seized slaves.

Claudio Treme avers that, in virtue of the writ of execution, issued in his favor against Claudio Chavot, because he did not pay the sum specified when requested to do so by the Deputy Sheriff, four of his slaves were seized, as may be noted from the proceedings at the end of the writ, in consideration of which and so that he may obtain payment for his debt, may it please the Court to order the public calls for the sale of the slaves as the law requires. Alcalde Forstall, on Assessor Postigo's advice, rules: Let the public calls be made as the law requires.

Claudio Treme petitions for an appraisement of the slaves.

The plaintiff alleges that four slaves belonging to the defendant have been seized and ordered cried for public sale, and in consideration of which and so that the auction of them may be made, he prays the Court to order an appraisement made of the said slaves by experts. Nicolas Forstall, on Juan del Postigo's advice, rules: As it is prayed.

Notification, acceptation and oath.

On the said day, month and year (July 20, 1785), the Escribano personally notified Adrien de la Place, and he said he accepted and did accept and swore by God, Our Lord, and a Cross to proceed well and faithfully with the appraisement, and he signed, to which the Escribano attests. (Unsigned)

2nd Notification.

On the said day (July 20, 1785) the Escribano notified Andres Wackernie, in person, and he said he accepted and did accept and swore by God and the Cross to proceed well and faithfully with the appraisement, and he signed, to which the Escribano attests. (Unsigned).

The plaintiff prays for a taxation of costs.

Claudio Treme states that his debt has been paid, therefore he prays it may please the Court to order a taxation of the costs of the case, to be paid by Claudio Chavot. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed; let the taxation be made by Luis Lioteau.

Notification, acceptation and oath.

On the said day (November 7, 1785), Luis Lioteau was personally notified, and he said he accepted and did accept and swore by God, Our Lord, and a Cross, according to law, to proceed well and faithfully with the taxation that has been ordered, and he signed, to which the Escribano attests. (Unsigned)

Taxation of Costs.

July 4.

**Pablo Segond vs.
Juan Gravier.**

No. 3119. 10 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt due for a bill of merchandise grew out of a dispute as to the date when payment was due. After the plaintiff establishes his claim that the debt is past due, the Court issues a Writ of Execution against the defendant's property; but before the property is actually seized, the debtor settles his obligation. The costs of the suit are assessed against the defendant, although he protests against having to pay them. The items of merchandise contained in the bill and the prices at which the several items are listed affords some interesting source material for the student of the economic and social history of Spanish colonial Louisiana.

2 pieces of cloth at 50 pesos.....100
12 small cases of Provence Liquor at 2 pesos.....24

Total973-4½

On November 7, 1785, Luis Lioteau taxes costs at 85 pesos 5 reales.

The first entry is a bill, which reads:

Mr. Gravier owes Mr. Peblo Segond for the following merchandise from his registered Corvette, named the Maria Magdalena, Luis D'Haubert Captain.
New Orleans

1785	Pesos
Jan. 25. 1 case of 12 flasks of muscatel wine..	6
Feb. 4. 1 the same....	6
Feb. 24. 1 the same....	6
Feb. 6. 30 crates of anissette at 4 pesos.....	120
10 small cases of 18 small flasks of Liquor of Provence	20
5 cases of 18 flasks of muscatel wine at 6 pesos	30
419 bales of feathers at 20 sols	13-6½
2 pieces of coarse Beaufort linen, of 152 ells, at current price	190
13 pieces of Gingham of 104¾ ells at 3 reales.	39-2
50 woollen tablecloths, fine, at 4 pesos.....	200
33 pieces of linen of Provence at 4 pesos 4 reales	148
	<hr/>
	Total
	973-4½

I, the undersigned, certify and swear to have drawn up the above account from my books of Commerce, which amounts to nine hundred and seventy-three pesos four and one-half reales, as a total for the full amount of the merchandise that I have sold and faithfully delivered to the said Mr. Gravier on the days dated as above. New Orleans, June 4, 1785. (Signed) Pablo Segond.

Pablo Segond petitions to have the defendant verify his debt. Pablo Segond, a merchant of this city, through his attorney, Pedro Bertoniere, presents himself

before His Honor and states that it may be noted, from the account that accompanies this petition, that Mr. Gravier owes him 973 pesos $4\frac{1}{2}$ reales. He has reminded him of this debt several times, but has not been able to obtain his money, therefore he prays the Court to order the defendant, under oath, in due form of law, subject to its penalties, and without delay, to swear and declare whether he owes the amount specified, and done, deliver his deposition to him to use to enforce his rights. Alcade Forstall rules: The account having been presented, let the defendant acknowledge, swear and declare to the contents of this petition; entrust the taking of his declaration to the Escribano, and done, deliver it to the plaintiff.

Juan Gravier's declaration.

In the city of New Orleans, on the said day, month and year (July 4, 1785), the Escribano, in virtue of the commission conferred upon him, received Juan Gravier's oath which he made by God and the Cross, according to law, under charge of which he promised to speak the truth, and upon being shown the bill on page 1, he said it is true that he bought the items mentioned in the account, but that he does not have to pay this bill until the end of four months, as he can prove. This is the truth, under charge of his oath, but he did not sign because he did not wish to do so, and he is 30 years of age, to all of which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

Certification.

I certify that on four occasions I looked for Juan Gravier, in various parts of the city, to notify him of the foregoing decree for his declaration that appears on the reverse side of this page, and in testimony whereof I set this down as a matter of record. (Signed) Fernando Rodriguez, Clerk of the Court.

Pablo Segond petitions for a Writ of Execution.

The plaintiff sets forth that it is evident from the defendant's declaration that he owes him 973 pesos $4\frac{1}{2}$ reales, and considering executory merits result in his favor, may it please the court to order a Writ of Execution issued against all or any of Mr. Gravier's property and particularly against his person, as he does not know that he owns

property sufficient to satisfy this debt, its one-tenth and costs, and he swears by God, Our Lord, and a sign of the Cross, according to law, that this amount is due him and has not been paid. Alcalde Forstall receives this petition, and later decrees:

Decree.

Whereas: issue a writ of execution against the person and estate of Juan Gabriel (Gravier) for the sum of 973 pesos 4½ reales, which it is evident he owes, up to the real and effective payment. Fees 12 reales. (Signed) Nicholas Forstall; Licenciado Postigo.

Note.

A marginal note specifies that the writ which was ordered has been issued and delivered to the party, to which the Escribano attests. (Signed) Rodriguez.

Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Juan Gabriel to pay immediately to Pablo Segond, of this Port and city, the sum of 973 pesos 4½ reales, that it is evident he owes him, and if he does not pay at once, take execution against his person and estate sufficient to satisfy this amount, its one-tenth and costs. For this is his decree, thus he has provided, ordered and signed. New Orleans, July 7, 1785. (Signed) Nicholas Forstall. By order of His Honor. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on the said day, month and year (July 7, 1785), before the Escribano appeared Nicholas Fromentin, Deputy Sheriff, and he said that, with the writ on the reverse side of this page, he requested Juan Gravier to pay Pablo Segond the sum of 973 pesos 4½ reales that he owes, and he said he would do so at once, and this he requested to have set down as a matter of record, which he signed, and to which the Escribano attests. (Signed) N. Fromentin; before Fernando Rodriguez, Clerk of the Court.

Pablo Segond petitions for a taxation of the costs of the case.

The plaintiff avers that the defendant has paid him, therefore he prays to have these proceedings cancelled, and costs taxed to be paid by Mr. Gravier. This petition is received although Alcade Forstall does not sign, and later an unsigned decree is issued.

Decree.

Whereas: With the consent of the plaintiff, these proceedings are cancelled, let the costs be taxed and paid by Juan Gravier.

Notification, acceptation and oath.

On the said day (July 9, 1785), the Escribano personally notified Luis Lioteau, who said he accepted and did accept and swore by God and a Cross, etc., and he signed, to which the Escribano attests. Luis Lioteau signs, but Fernando Rodriguez does not.

Fernando Rodriguez petitions to have the costs of the case paid.

and states that Pablo Segond has prosecuted a case in this Court against Juan Gravier to collect a debt, which was followed by executory process that has been very costly to the said Gravier, who is not willing to pay, therefore he prays to have a Minister (of Justice) placed at his door, until such time as he does pay the costs of the case. Alcalde Forstall, on Assessor Postigo's advice, rules: Notify Juan Gravier to pay the costs caused, to the present Escribano, with a warning, etc.

Taxation of Costs.

July 5.

Marcos Juan Santiago and Nicolas Jacina de Macieres petition to be declared capable to manage their own affairs.

No. 3086. 6 pp.

Court of Governor Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

This process affords a good illustration of the legal procedure followed in the emancipation of minors in Spanish colonial Louisiana. After the age and legitimacy of the minors is established from their baptismal records in the parish church at Natchitoches, and their ability to administer their property without the necessity of a curator is established by the testimony of competent witnesses, the Governor issues the decree of emancipation.

that remains in the Archives of this Parish, to which I refer and in faith of which I attest this fourth day of October of the year one thousand seven hundred and eighty-one, in the above-said Post of Natchitoches. (Signed) Father Luis de Quintanilla.

Fernando Rodriguez, Notary Public and Clerk of the Court, presents himself before His Honor

On July 30, 1785, Luis Lioateau taxes costs at 11 pesos 7 reales.

The first entry is Santiago de Mezieres' baptismal certificate, and reads:

In the year one thousand seven hundred and sixty-six, on the ninth of August, I, the undersigned Capuchin monk, Apostolic Missionary and Royal Parish Priest of Natchitoches, have baptized, with the ceremonies of the Holy Church, Marie Jean Jacques, born the nineteenth of January of the said year, of the lawful marriage of Mr. Athanase de Mezieres, Former Captain, and Pelagie Fazende, his father and mother. The god-father was Jacques Fazende, uncle of the child, and the god-mother Louise Guedon, who have signed and marked, and in faith of which I have signed. (Signed) Father Stanislas, Parish Priest; Jacques Fazende; Chevalier Mezieres; De la Houssaye.

Father Luis de Quintanilla, Capuchin and Parish Priest of this Post of Natchitoches, certify that the above written certificate of baptism conforms to the original

Certification of the Commander of the Post of Natchitoches.

I, Etienne Devaugine, Captain of Infantry, retired, former Major, ad interim, for New Orleans, Military Commander and Lieutenant Governor of the Post of Natchitoches and dependence, certify that the above signature is the true signature of the Reverend Father Louis de Quintanilla, Parish Priest of this Post, and that credit must be given it as much in judgment as outside of it. In testimony of which I have signed and affixed the seal of my arms at the Royal Fort of Natchitoches, October 6, 1781. (Signed) Etienne De Vaugine.

Baptismal Certificate of Marie Nicolas Zorime de Mezieres. In the year one thousand seven hundred and sixty-eight, on the fifteenth of August, I, the under-

signed Capuchin Monk, Apostolic Missionary, and Royal Parish Priest, have baptized Marie Nicolas Zorime, born the twenty-eighth of February of the said year, of the lawful marriage of Mr. Athanase des Mezieres and of Madame Marie Pelagie Fazende, his father and mother. The god-father was Francois Doucet, who substituted for Mr. Nicolas Lassise, and the god-mother was Marie Francoise Clermont, who substituted for Madame Marie de Lassise, who have signed. Father Stanislas, Parish Priest; Doucet; Marie Francoise Clermont; De Mezieres.

I, Father Louis de Quintanilla, Capuchin and Parish Priest at the Post of Natchitoches, certify and declare that the above extract conforms to the original from which it has been taken by me, letter for letter and word for word, which I have found in one of the books for the registrations of baptisms of the Parish of Natchitoches, beginning in the year one thousand seven hundred and sixty-two, on page 50. In faith of which I have signed. (Signed) Fr. Louis de Quintanilla.

Marcos (Marie) Juan Santiago and Maria Nicholas Jasina (Zorime) Mezieres petition to call witnesses.

The petitioners, who are less than twenty-five and more than fourteen years of age, as may be proven from their baptismal certificates duly presented, appear before His Lordship and say that it is convenient to them to receive the testimony of witnesses they will call, who must swear and declare whether they know them to be capable and to have sufficient knowledge to work and increase their property, and particularly whether they know how to cultivate the soil, and whether their conduct is regular. Governor Miro, on Assessor Postigo's advice, rules: Receive the testimony that these parties offer, entrust the taking of same to the Escribano, and done, deliver the depositions to the petitioners.

Testimony of the 1st witness.

In the city of New Orleans, on the said day, month and year (July 5, 1785), Marie Juan Santiago de Mezieres and Marie Nicolas Zorime de Mezieres, residents of Natchitoches, for the

testimony they have offered and have been ordered to give, present as a witness, Pedro Derneville, Chevalier of the Royal and Military Order of San Luis, from whom the Escribano received the oath which he made by God, Our Lord, and the Cross on his habit, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing written petition, he said that those who present him are persons of regular conduct and it seems to him that they are capable to administer their affairs without the necessity of a curator. This is the truth, under charge of his oath, he is 60 years of age, and he signed, to which the Escribano attests. (Signed) Chevalier Derneville; before Fernando Rodriguez, Clerk of the Court.

Other witnesses testify.

Juan Bautista Armant and Francisco Lioteaud, each in a separate declaration, corroborate the testimony given by Chevalier Derneville.

Decree.

In the city of New Orleans, on July 6, 1785, Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor of it and the Province, having seen these records, said that he must accept and does accept as sufficient the testimony presented by Marcos Juan Santiago and Maria Nicholas Zorime de Mezieres and orders them emancipated, and reputed as fathers of families, for all of which His Lordship interposes and does interpose his authority and judicial decree, as by right he can and must, for this is his decree, thus His Lordship has provided, ordered and signed. (Signed) Esteban Miro; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Notification.

On the said day, the Escribano personally notified Marcos Juan Santiago and Maria Nicholas de Mezieres of the foregoing decree, to which the Escribano attests. (Signed) Rodriguez.

July 5.

**Juan Senars vs.
Carlos Latur.**

No. 3122. 10 pp.

Court of Governor
Esteban Miro.

Assessor,
Juan del Postigo.

The case opens with the filing of Mr. Latour's promissory note, which reads:

I promise to deliver to Mr. Miraval's order, in the course of next March, 4,800 pieces of ordinary lumber 12 feet long, 1 inch thick and 12 inches wide, value received from the said gentleman, at 1200 piastres cash. I promise and obligate myself to have this sale passed before a Notary, at his will. New Orleans, August 16, 1784.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit arose over a contract for the delivery of a certain bill of lumber by a certain date, payment for which had been made in advance. When the date for delivery arrived and the lumber had not been delivered, the plaintiff brought suit to recover the sum paid. Before the Writ of Execution was issued against the defendant's property, he refunded the purchase price of the lumber and paid the costs of the suit.

The market price for the lumber described in the suit affords good source material for the economic historian.

The plaintiff petitions to have the defendant acknowledge his obligation.

that it is evident from the paper duly presented that Carlos Latour owes him 4,800 pieces of ordinary lumber 12 feet long, 1 inch thick and 12 inches wide, to have been delivered last March, and in default he must pay 1,200 pesos that it is evident he received for the lumber, and considering that he has not complied with either one or the other, he prays the Court to order the defendant to acknowledge, swear and declare whether it is true that he owes this sum, and done, deliver his declaration to the petitioner. Esteban Miro, on Juan del Postigo's advice, rules: The note having been presented, let the defendant swear and declare what is necessary.

The Escribano fails to notify the defendant.

every part of the city for Carlos Latour to notify him of the foregoing decree, and he was informed by several persons that he resides on his plantation, and in testimony whereof he sets this down as a matter of record. (Signed) Rodriguez.

The plaintiff petitions for a Writ of Citation.

on his plantation, therefore he prays the Court to order a writ of citation issued and to entrust its service to any competent person. Governor Miro, on Juan del Postigo's advice, rules: As it is prayed.

Writ of Citation.

Fixed Regiment of this Place and Governor of it and the Province, it is ordered that any Minister of Justice cause Carlos Latour to appear and be notified of a certain decree. New Orleans, July 9, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

The hereabove written note approved. (Signed) Latour.

Across the back is written: Pay to the order of Mr. Cenas the sum stipulated on the other side, for value belonging to him. New Orleans, January 18, 1785. (Signed) P. Miraval.

Juan Senas (Cenas), resident of this Port and city, appears before His Lordship and declares

that it is evident from the paper duly presented that Carlos Latour owes him 4,800 pieces of ordinary lumber 12 feet long, 1 inch thick and 12 inches wide, to have been delivered last March, and in default he must pay 1,200 pesos that it is evident he received for the lumber, and considering that he has not

complied with either one or the other, he prays the Court to order the defendant to acknowledge, swear and declare whether it is true that he owes this sum, and done, deliver his declaration to the petitioner. Esteban Miro, on Juan del Postigo's advice, rules: The note having been presented, let the defendant swear and declare what is necessary.

In the city of New Orleans, on the said day, month and year (July 5, 1785), the Escribano looked in

every part of the city for Carlos Latour to notify him of the foregoing decree, and he was informed by several persons that he resides on his plantation, and in testimony whereof he sets this down as a matter of record. (Signed) Rodriguez.

Pablo (Juan) Cenas avers that it is evident from the Escribano's report that the defendant resides

on his plantation, therefore he prays the Court to order a writ of citation issued and to entrust its service to any competent person. Governor Miro, on Juan del Postigo's advice, rules: As it is prayed.

By decree rendered, dated today, by Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor of it and the Province, it is ordered that any Minister of Justice cause Carlos Latour to appear and be notified of a certain decree. New Orleans, July 9, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on July 15, 1785, before the undersigned Escribano and witnesses appeared Nicolas Fromentin, Deputy Sheriff, and he said he went to Carlos Latour's plantation, eight leagues below the city, on the other side of the river, where he notified him of the foregoing writ. The proceeding took four days and cost 10 pesos which he supplied to pay for the rowers and the boat, which must be paid by the plaintiff. This he asked to have set down as a matter of record, which he signed, the witnesses here present being Santiago Lemarie, Francisco Lioteau and Miguel Gomez. To all of which the Escribano attests. (Signed) Nicolas Fromentin; before Fernando Rodriguez, Clerk of the Court.

Pedro Cenas petitions to have the Deputy Sheriff cause the defendant to appear.

The plaintiff avers that, notwithstanding that Mr. Latour has been notified by the Deputy Sheriff to appear in the Escribano's office to give a certain declaration, he has not done so, therefore he prays the Court to order the Deputy Sheriff to cause him to appear in the said office. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

Certified copy of a Power of Attorney.

The next entry is a certified copy of a procuration, executed before Fernando Rodriguez, dated July 8, 1785, by which Pedro Cenas appoints Antonio Mendez, Procurador Publico del Numero of this city, to act in his name and to represent his person and rights and to prosecute the suit he has brought against Carlos Latour for a consignment of lumber, or its equivalent in money, and for all of which he must present himself before the Judges of His Majesty's Court, etc.

The plaintiff petitions to have the defendant verify his note.

Pablo Cenas, through his power of attorney, duly presented, in the suit he prosecutes against Carlos Latour to collect a debt, etc., avers that through proceedings taken by the Deputy Sheriff, the defendant has appeared in this city, but not in the Escribano's office, as he was ordered to do, to verify his note filed at the beginning of this case, therefore he prays that the Deputy Sheriff be ordered to conduct him there so that he may comply with the decree rendered. Assessor Postigo rules: As it is prayed.

The plaintiff and defendant pray to have the case dismissed.

Pablo Cenas and Carlos Latour, both residents of this city, appear before His Lordship and state that the former has prosecuted an executory suit against the latter to collect a debt, and that the defendant having paid it this day, they pray His Lordship to order a taxation of costs to be paid by Carlos Latour, including the expenses incurred by the Deputy Sheriff, and that the note filed on page 1 be removed and

returned to Mr. Latour. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

[Translator's Note: The record ends here without a taxation of costs, or the necessary proceedings to remove the note which forms the basis of this Suit.—L. L. P.]

July 8.

**Hilario Boutet vs.
Antonio Blanc, Sr.**

No. 2992. 4 pp.

Court of Governor
Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To void a contract.

This suit to void a contract for the delivery of hides from a New Orleans slaughterhouse is of interest to the historian for the prices at which the different kinds of hides were to be delivered. The grounds on which the cancellation of the contract was sought may possess some interest for the student of law in Spanish colonial Louisiana.

The first document filed in this suit is a certified copy of a contract which reads in part:

In the city of New Orleans, on February 13, 1784, before me the Escribano and undersigned witnesses, appeared Hilario Boutet, lessee of the slaughterhouse of this city, known to the Escribano, and he said that, acting for himself and in the name of his absent brothers, he obligates himself to sell to Antonio Blanc, Sr., of this city, all the cowhides that he can obtain during the time of his contract with the slaughterhouse, that he has leased from February 3rd of this year and that will run until the end of December 1786, these hides to come from the animals that will be killed in the slaughterhouse in his charge. It is well understood that the hides of animals more than one year old will be paid for at the rate of 1 peso each, and those of a lesser age at the rate of 4 reals each,

with the expressed condition that this lease may at any time be suspended or cancelled by the Government, which will render this obligation ineffective. And on the contrary, if the constituent should voluntarily consent to transfer this lease to another person, he cannot do so unless the new lessee is willing to abide by the conditions of this written instrument, the purchaser to deliver all the hides that will have been taken in six months. And the said Antonio Blanc being present said he accepted the contract, because he found it conforms to all that has been stipulated by both constituents, and for its fulfillment they obligate their present and future estates and insert here the guaranty clause and renounce the laws in their favor and in general which prohibits it. For thus they have authorized and signed, the witnesses here present being Josef Becat, Manuel Galvez, and Phelipe Guinault, residents of this city. (Signed) H. Boutet; Antonio Blanc, Sr.; before Fernando Rodriguez, Notary Public.

The above agrees with its original which was executed before me and remains in my possession and Archives, to which I refer, and upon the request of the party I give the present written instrument on two sheets of paper. New Orleans, July 5, 1785, Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

Hilario Boutet petitions to annul his contract with Antonio Blanc, Sr. Hilario Boutet, through his attorney, Antonio Mendez, sets forth it is evident from the certified copy duly presented, that he entered into a contract with Antonio Blanc, Sr., to deliver to him all the hides of the cattle killed, daily, at the slaughterhouse in his charge. However, it has come to his notice that the defendant has contracted a large debt in favor of the Royal Treasury, which resulted in the seizure of his slaves, and it has come to the plaintiff's knowledge that he has also given up the hides, which breaks the petitioner's interest in their contract, so he prays the Court to declare this aforesaid contract with Mr. Blanc as null and void, as neither he nor his partner, Pedro Miraval, have given bond to pay for the hides. It is impossible to take action against Mr. Miraval because of his concursus of creditors, and if he continues with this contract it will only increase his losses through the inability of either the one or the other partner to pay, and besides the contract does not suit him, because there are others who are willing to buy the hides without exposing him to the losses he would sustain should he continue to sell to Messrs. Blanc and Miraval. Therefore he prays it may please His Lordship to order as he has requested in the beginning of this representation. Esteban Miro, on Juan del Postigo's advice, rules: The copy of the written instrument having been presented, let it be sent to Antonio Blanc, or his attorney, and to Pedro Miraval.

The record ends here.

July 8.

Criminal prosecution of the culprits and accomplices for striking Pablo Collat.

No. 3016. 87 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

In the city of New Orleans, on July 8, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde Ordinario of this city for His Majesty, said that now, at about 7 o'clock in the morning, he has been notified that last night, the 7th of the current month, at about 11 o'clock, an attempt was made against the life of Pablo Collat, residing here, who was struck several times on the head with a stick, and for an investigation of what has taken place His Honor ordered this act drawn up to begin the process, for which purpose witnesses will

Escribano,
Fernando Rodriguez.

This lengthy criminal prosecution of an individual accused of waylaying and assaulting his former partner, under cover of night, affords an excellent example of the legal procedure followed in such a case. The accused is arrested and imprisoned and his property is seized by the Government. His probable guilt is established by the examination of many witnesses, after which the accused is released from prison under bond and his property is restored to him. A special public attorney is then charged with the prosecution of the case, who carefully sifts all the evidence previously accumulated in the case. The person assaulted petitions the Court to compel the accused to pay his doctor's bill, his expenses for food and care while he was unable to work because of his injuries, and the wages he would have earned at his trade as a tailor during the time he was recuperating from his injuries. The Court appoints two tailors as arbitrators to decide how much the wages lost by the assaulted person would have been; and the doctor who attended him is required to present his bill. The accused prolongs the litigation by his opposition to the demands of the person he is accused of assaulting. The Court finally delivers the definitive sentence, condemning the accused to pay the surgeon's fees, the patient's expenses for food during the time he was unable to work, and the amount of wages he would have been able to earn at his trade as a tailor during the time he was unable to work because of his injuries, and the entire costs of the proceedings. The accused petitioned for an appeal from the Court of the Alcalde to the Municipal Government of New Orleans, but his petition was denied on the ground that the Ordinances of O'Reilly contained no provision for such an appeal as he requested. The accused then paid the damages awarded to the injured man by the Court, and the entire costs of the proceedings.

Such items as the kind of goods in the accused tailor's stock, their prices, the surgeon's fees, and the wages earned by tailors in New Orleans in those days afford some interesting source material for the student of economic history.

The Doctor certifies after an examination of the wound.

this city, known to the aforesigned Escribano, and he said that by order of Nicholas Forstall, Regidor Perpetuo and Senior Alcalde of this city, at about 11 o'clock of the night before, the 7th of the current month, he went to Pablo Collat's dwelling house, where he found him hurt. There was a wound in the superior part, and to the right of the forehead, near the eye, as large as a 2-real piece, with lesion of the skin and of the muscle of the

be examined, who may have some knowledge of the case, the criminals and accomplice must be apprehended, a surgeon must go to examine the wound and file a certificate with these proceedings, stating what they may be, or if contusions. A seizure must be made in due form of the property belonging to the persons accused, and done, let the records be brought to the Court for further rulings. For this His Honor has decreed, thus he has ordered and signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

In the city of New Orleans, on July 8, 1785, before the Escribano appeared Juan Senac, Surgeon of

forehead, with contusions all around, which wound seems to have been made with an instrument that would produce contusion, when given quickly on the said part, and finding the patient near suffocation, fearing results, he bled him instantly. Today he went again to visit the patient and found he had been struck above the left eye, as there were contusions around it. Besides he had received a blow, as from a cane, in the region of the right ear, with contusion five inches long, and although he bled him twice to relieve the wound, he found it necessary to nurse and treat the patient, and he assisted him in every way possible for some time. He signed, to which the Escribano attests. (Signed) Nicolas Forstall; J. Senac; before Fernando Rodriguez, Clerk of the Court.

Pablo Collat's declaration.

In the city of New Orleans, on July 8, 1785, at about 10 o'clock in the morning, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde Ordinario of this city and it jurisdiction for His Majesty, went to Pablo Colat's dwelling house, where His Honor received his oath, which he made by God and the Cross, according to law, under charge of same he promised to speak the truth, and when examined upon the tenor of the act that begins this process, he said that on the night of the 7th current he left his mother-in-law's house to go to his own and as he passed in front of Francisco Duplessis' place some one came from under the gallery of the Auditor of War's house, put out the candle he had in his hand, and struck him on the head without speaking to him; the blow caused him to fall to the ground, the assassin then withdrew, and the declarer got up, at that moment another came upon him with a stick in his hand, which he tried to take from him by using force, to prevent him from striking him. In the interval he investigated and found it was the assassin with his face turned who with his superior strength had made the witness remove his hands from the stick, saying to him: Now canaille I will pay you for all. Then he struck him on the head with the stick, and he fell senseless from this blow and does not know what he did afterwards. But what he does know, because it is evident to him, is that it was Geronimo Roche, his former partner, who struck him, because ever since they dissolved their partnership he had been threatening him, motivated by the proces-verbal for the liquidation of the company, drawn up before the Judge of this Court. What he has stated is the truth, under charge of his oath, he is 27 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Palbo Colat; before Fernando Rodriguez, Clerk of the Court.

Seizure of the property of the accused.

In the city of New Orleans, on July 8, 1785, Nicolas Forstall, Senior Alcalde Ordinario of this city for His Majesty, went to Geronimo Roche's house for the purpose of making a formal seizure of his property, which was begun before the Escribano

in the following manner: Firstly, two pieces of canvas and one of burlap, another of first cut, one of fine canvas, one of first cut of burlap, one piece and one remnant of limburg, a remnant and a half of green stuff, a remnant of baize, eight pieces of Provence linen, with six pieces of striped baize, one piece of white baise, six pieces of Guinea blue calico, twenty-two pieces of Provence linen, six of patent linen, six of Royal linen, three of cotton, six of Polonaise, eleven of printed calico, three pieces of Silesian linen cloth, six dozen handkerchiefs, one piece of Silesian linen, three pieces of cottonade, forty packages of thread, several remnants of muslin. At this stage, because there was no other property to seize, they placed seals on a trunk that contained clothes for his use. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Deposit.

Immediately after His Honor called a next-door neighbor and charged him with the care of the seized effects, and Josef Bordas, the neighbor, having accepted, His Honor made real delivery of them to him, authorizing and giving him the power necessary in law for the administration and sale of same, and the aforesigned Joseph Bordas signed, to which the Escribano attests. (Signed) Nicolas Forstall; Joseph Bordas; before Fernando Rodriguez, Clerk of the Court.

Testimony of Geronimo Roig.

[The Defendant's surname is Roig. He is a Catalan, and in the dialect of the Province of Catalonia, *ig* is pronounced *ch*, which will account for the spelling of his name as either Roch, or Roche, throughout the suit.—L. L. P.]

In the city of New Orleans on July 11, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde Ordinario of this city, went to the Royal Prison, where he caused to appear before him a man, a prisoner there, who took oath before the Escribano, by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and was questioned as follows:

Asked his name, age, state, employment, where born, and where does he live?

He answered his name is Geronimo Roche. He was born in Torre in Barras in Cataluña, is married, aged thirty-eight, is a tailor by trade, and a resident of the said Torre in Barras.

Questioned who arrested him, and for what cause?

He said that it was on His Honor's order that he was taken prisoner by a Minister of Justice, but he does not know for what cause.

Asked does he know, or has he heard, anything about the beating given Pablo Colat, his former partner, on the night of the 7th-8th current at about 11 o'clock?

He replied that now, when he is asked about it, he knows, but not before.

Where was he on the night of the 7th-8th current at 11 o'clock ?

In bed.

Who lives in his house with him ?

Only a free mulattress named Francisca, and even though he had apprentices as tailors, these too had retired to sleep at that hour.

Did he have a quarrel with Pablo Colat, and had he threatened him ?

About four or five months before he had a quarrel with Pablo Colat over money matters, but he had never threatened him, and that at something like eight days before he had gone to Pablo's house to ask him whether he had not said, while he was still in the witness' house, where he was a partner, that the shoemaker, Pabo, still owed 10 pesos, a remainder of a debt of 15 pesos, and to this question Pablo answered that the money was collected during their partnership, and that lastly he could see whether the entry was open or erased. The shoemaker, Pabó, was present, then the witness left, and upon reaching his house, took the book of sales and found the entry of 15 pesos had been erased. This is all that took place that day. What he has declared is the truth, under charge of his oath, he is the age he has declared, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Geronimo Roig; before Fernando Rodriguez, Clerk of the Court.

Declaration of Francisca, the mulattress. In the city of New Orleans, on July 12, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde of this city, seated in his Court Room, caused to appear before him Francisca Robin, a free mulattress, from whom His Honor, before the Escribano, received oath taken by God, Our Lord, and a Cross, under charge of which she promised to speak the truth, and when examined upon the act that begins this process, she spoke as follows:

To the first question put to her, as to whether she knew Geronimo Roche ?

She answered, yes, she knew him because she lives in his house and sleeps in the same room with him, considering the house was so small.

Questioned where was Geronimo Roig the night of the 7th-8th current ?

She answered she saw him lying down on his bed at 8 o'clock, and that he got up at six in the morning of the following day. The witness did not see whether he got up during the night.

Was Geronimo Roig accustomed to going out during the night?

About fifteen days before he went out into the Plaza and remained until 8 o'clock, but since then he has been sick with lung trouble and the Doctors had forbidden him to go out at night, and he had not done so.

Who lives in Geronimo's house?

Joseph and Chime live in a room in the same house, but not in the ones he occupies, and the only one who lives in the one Geronimo uses is the Captain of a ship that was burnt one day after Geronimo was made a prisoner.

The day Geronimo was taken prisoner, did she not hear it said or did anyone talk about the beating given Pablo Colat?

Very late that night, Antonio, Geronimo's cousin, went to the latter's house and said that the night before some one had beaten Pablo Colat with a stick, and at this moment the witness left to go look for sardines for the apprentices' breakfast, and in the Plaza a soldier told her they were going to put Geronimo in prison because he has struck Pablo Colat with a stick, and as soon as she reached the house she told Geronimo what the soliders had said, and he answered that he already knew it because his cousin, Antonio, had come to tell him.

Asked whether, between seven o'clock in the morning and half-past eleven, the time Geronimo was taken prisoner, she did not hear anything about the beating given Pablo Calot?

No, she had not heard anything said about the affair.

And although other questions were put to her, touching the case, to all she answered the same as she had declared, and that it is the truth, under charge of her oath, she is 22 years old, and she did not sign because she said she did not know how. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Joseph Bordas' declaration.

In the city of New Orleans, on the said day, month and year (July 12, 1785), His Honor, presiding in his Court Room, caused Joseph Bordas to appear before him, and the Escribano administered oath which was taken by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the act that begins this proceeding, the following questions were put to him:

Does he know Geronimo Roche ?

Yes.

Has he traded with him frequently ?

Yes.

Did he see him on the night of the 7th-8th, and at what hour?

Yes, until half-past nine of the night mentioned, on which Pablo Colat was beaten with a stick, he was in the declarer's house.

Where did he go when he left it?

He left by way of the courtyard and said he was going to bed, and that is all he knows on this particular.

Did he hear the door of the said house open during the night?

No.

In the morning did he hear Geronimo speak of the beating that Pablo had received?

He was not in Geronimo's house, but he was in Pablo's, who told him he was wounded the night before, but he does not remember whether he said it was Geronimo or not.

And although other questions were put to him, he said the same thing and that what he has declared is the truth, under charge of his oath, he is 36 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Joseph Bordas; before Fernando Rodriguez, Clerk of the Court.

Joaquin Oliver's declaration.

In the city of New Orleans, on July 12, 1785, Nicolas Forstall,

Alcade for the jurisdiction of this city, seated in his Court Room, caused Joaquin Oliver to appear before him, and the Escribano received his oath, which was made by God and the Cross, according to law, under charge of which he promised to speak the truth, when examined upon the tenor of the act that begins this process, to each of the following questions he answered:

Does he know Geronimo Roche, has he had frequent intercourse with him, and does he know where he was the night of the 7th current?

He knows Geronimo Roche and has had frequent intercourse with him. On the night of the 7th he was at the witness' house until about half-past nine, as he was every night, ever since the declarer went to live in the said house, about three years before, and that he passed out through the courtyard, saying he was going to bed, and in fact he saw him enter and close the door of his room.

Did he hear him open the door or window of the house on that night?

No.

On the following day did he hear talk about the beating given Pablo Colat?

Although he was in Geronimo's company several times that day, he did not hear the latter talk about this particular. Other questions and cross-questions were put to him, but his answers were the same, and that what he had declared is the truth, under the oath he has taken. He is 40 years old, and be signed with His Honor, to which the Escribano attests. (Signed Joaquin Oliber; Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Antonio Pabó's declaration.

In the city of New Orleans, on July 13, 1785, Alcalde Forstall caused Antonio Pabó to appear before him, and the Escribano received his oath, made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the act that begins this proceeding, he answered as follows.

To the first question put to him, concerning his acquaintance with Geronimo Roche and Pablo Colat?

He answered he knew them both.

Does he know whether these two have had any disputes over business affairs, in the past few days, and if so, let him tell what passed between them?

He made a pair of shoes for Geronimo, who asked what they were worth, and to tell him what he owed. He answered that he did not owe anything because he had used the amount due as credit to pay his partner, Pablo Colat, what he owed them, to which Geronimo said to the witness, let us go to Pablo's house and we will see whether this is true or not, and having entered Pablo's house, Geronimo asked him whether it was true that the witness had paid the 10 pesos still due. The plaintiff answered it was true, as appears in the books of the shop, and that Pablo also asked Geronimo whether the Alcalde had not forbidden him to enter his house. Geronimo answered this is true, but he had come to see whether they had been paid, and that the witness and Geronimo left and each one went to his own house.

And although other questions were put to him, he said he did not know anything more, and that what he has declared is the truth, under charge of his oath, and that he is 29 years old. He did not sign because he said he did not know how. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

David Dupuy's declaration.

Immediately after, His Honor caused David Dupuy to appear, who took oath before the Escribano, by God, Our Lord, and the Cross, according to law, under charge of which he promised to speak the truth, and when the following questions were put to him, he answered:

Does he know anything of a quarrel between Geronimo Roche and Pablo Colat, one or two days before Pablo was beaten?

He said that as a next door neighbor, and with the door of Pablo's house open, he saw Geronimo leave with a person he does not know, one or two days before the aforesaid Pablo was hurt, and that Geronimo approached Pablo in great anger, and put his hands almost in his face and used many angry words, which the witness did not understand, except thief, then the two left and Pablo said to him: "You see how this man insults me without cause, while I am quiet in my own house." This is as much as he knows and can say.

Does he know who had struck the blows, or did he surmise who might be the guilty party?

He does not know, and this is the truth, under charge of his oath, he is 40 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; D. Dupuy; before Fernando Rodriguez, Clerk of the Court.

Alexo Lesassier's declaration.

Immediately after, His Honor caused Alexo Lesassier to appear before him, where oath was administered by the Escribano, which was made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, whereupon the following questions were put to him:

Had he heard, or understood, that Geronimo Roig had insulted Pablo Colat one or two days before he was beaten?

On the day mentioned he saw Geronimo Roig make gestures as though he intended to strike Pablo Colat, and he spoke several words, according to what has been represented, that were abusive, and that when Geronimo, accompanied by the shoemaker, left Pablo, he said two or three times, with great anger, Thou shalt pay me Pablo. This is as much as he knows and can say, and that Pablo said to the witness and David Dupuy, who was present, you see how this man insults me, without my giving him any cause for it. This is the truth under charge of his oath, he is 38 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Lesassier; before Fernando Rodriguez, Clerk of the Court.

Pedro Grenoble's declaration.

In the city of New Orleans, on July 14, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, seated in his Court Room, caused Pedro Grenoble to appear before him, and oath was administered by the Escribano, which was made by God and a Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the act that begins this process, he answered:

Where was he on the 8th current, from six o'clock in the morning until twelve ?

He was in Geronimo Roche's house, as usual, learning to be a tailor with his master, the said Geronimo Roche.

Did he hear his master, Geronimo, speak to any person about the beating given on the preceding night ?

He did not hear Geronimo, or any other person, speak about this affair. What he has declared is the truth, under charge of his oath, he is 13 years old, and he did not sign because he does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Miguel Lalure's declaration.

In the city of New Orleans, on July 15, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, presiding in his Court Room, caused to appear before him Miguel Lalure, Jr., from whom the Escribano received the oath he made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, whereupon the following questions were put to him:

Where was he on the 8th of the current month, between six and twelve o'clock ?

He was in Geronimo Roche's house where he is learning the trade of a tailor from Geronimo, his master.

Did he hear Geronimo Roche, his master, talk to any person about the beating of the night before ?

He did not hear his master, or any other person, talk about this matter, and what he has declared is the truth, under charge of his oath, he is 14 years old, and he did not sign because he said he cannot write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Santiago Tournier's declaration.

In the city of New Orleans, on July 16, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde Ordinario of this city for His Majesty, seated in his Court Room caused to appear before him Santiago Turnie (Tournier), resident of this place, from whom His Honor, before the Escribano, received the oath he made by God and the Cross, according to law, under charge of which he promised to speak the truth, and the following questions were put to him:

Does he know anything about the quarrel between Geronimo Roche and Pablo Colat, some two or three days before the latter was hurt ?

As a next-door neighbor, with his door and Pablo Colat's open, on the day mentioned, David de Puig (Dupuy) came to the witness' house and told him that his neighbor, the tailor, had a quarrel with a Catalan, who a little less than attacked him, but the witness did not see it, and that on the night of the 7th-8th, at about 11 o'clock, he heard a great noise and crying in the aforesaid tailor's house, and he went there and saw Pablo Colat all full of mud, hurt and bleeding, almost breathless, and that he said it was Geronimo Roche who had beaten him, that the witness dressed and told him he would go get his family as quickly as he could, which he did.

Did he tell any other person who the aggressor was ?

He does not know anything more about the quarrel. What he has declared is the truth, under charge of his oath, he is 36 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Jacques Tournier; before Fernando Rodriguez, Clerk of the Court:

Declaration of Juan Danos.

In the city of New Orleans, on
July 17, 1785, Nicolas Forstall,

Senior Alcalde for His Majesty, seated in his Court Room, caused Juan Danos to appear before him, and the Escribano administered oath, which was taken by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and the following questions were put to him:

Does he know anything about the beating given Pablo Colat, at about thirty feet from his house ?

He has not heard, nor is he familiar with anything about it.

Has he heard anything, or is he familiar with the quarrel between Geronimo Roche and Pablo Colat ?

On about the 5th or the 6th of the current month, while passing in front of the said Colat's house, he saw Geronimo leave, and Pablo said, before he went, yes, yes, I am drunk.

Did he observe Geronimo's aspect, was he peaceful or angry ?

No.

This is the truth, under charge of his oath, he is 28 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Jean Danos; before Fernando Rodriguez, Clerk of the Court.

Matheo Hautar's declaration.

In the city of New Orleans, on
July 18, 1785, Nicolas Forstall,

Senior Alcalde Ordinario of this city for His Majesty, presiding in his Court Room, caused Matheo Hautar to appear before him, from whom His Honor, before the Escribano, received the oath, made by God, Our Lord, and a Cross, according to law, under

charge of which he promised to speak the truth, and when examined upon the act that begins this process, he answered:

Asked whether he knew anything of the beating given Pablo Colat, near the corner by his house, at about eleven o'clock of the night of the 7th current?

He said that, considering he always retired between 9 and 10 at night and went to sleep, he did not hear any noise.

Did he hear any talk about the affair on the morning of the 8th?

No, but three days after he heard it said that Pablo Colat had been beaten with a stick. He answered that this is the truth, under charge of his oath, and that he is 40 years old. He did not sign because he said he did not know how. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Hilario Boutté's declaration.

In the city of New Orleans, on July 19, 1785, Nicolas Forstall, Senior Alcalde Ordinario of this city and its jurisdiction for His Majesty, seated in his Court Room, caused Hilario Boutte to appear before him, and oath was administered by the Escribano, which was taken by God and a Cross, according to law, under charge of which he promised to speak the truth, and the following questions were put to him:

Does he know anything about the beating given Pablo Colat on the night of the 7th of the current month?

On the night mentioned he was in bed, and upon hearing cries near his house he got up and went out into the street where he saw Pablo Colat, who came to the declarer's house, all covered with blood, and told him that they had attempted to kill him. The witness asked who had beaten him, and he answered it was a Catalan who had been his partner.

Did he see the man who had given the beating?

No, but at about 10 o'clock of the night mentioned he saw a man passing the corner, who walked in front of the declarer's house and went to the place where Pablo was beaten, but he does not know who it was.

This is the truth, under charge of his oath, he is 31 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; H. Boutté; before Fernando Rodriguez, Clerk of the Court.

Declaration of Luisa, a free negress.

In the city of New Orleans, on July 20, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde of this city and its jurisdiction for His Majesty, presiding in his Court Room, caused Luisa, a free negress, to appear before him, from whom the

Escribano received the oath she made by God, Our Lord, and a Sign of the Cross, according to law, under charge of which she promised to speak the truth, then the following questions were put to her:

Does she know anything about the beating given Pablo Colat on the night of the 7th of the current month?

At about 11 o'clock that night, while she was in bed, she heard cries; she got up and saw the said Colat, all covered with blood, passing in front of her house, who said they had tried to kill him with a stick, and that Don Hilario Boutté having asked him who had beaten and hurt him, he answered it was the Catalan who had been his partner.

Did she see the person who struck Colat?

No, but at about half-past nine or ten o'clock of the said night, she had gone out accompanied by Adelaida, a griffe, her slave, to look for a surgeon or a midwife, and as they passed they saw a man in front of Mr. Frederique's house, near the corner where the man who had been injured said he was beaten, and that she had seen the said man walk from corner to corner five or six times. She declared that this is the truth, under charge of her oath, and that she is 40 years old. She did not sign because she said she does not know how. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Declaration of Francisco Duplessis.

In the city of New Orleans, on
July 21, 1785. Nicolas Forstall,

Regidor Perpetuo and Senior Alcalde of this city and its jurisdiction for His Majesty, seated in his Court Room, caused Francisco Duplessis to appear before him, who took oath before the Escribano, by God, Our Lord, and a Sign of the Cross, under charge of which he promised to speak the truth, and the following questions were put to him:

Does he know anything about the beating given Pablo Colat below the gallery of his house on the night of the 7th of the current month?

Ordinarily he goes to bed early, so for this reason he does not know what took place late that night.

Did he hear anyone talk about the beating given Pablo Colat at the corner by his house?

He has never heard anything said about this affair. What he has declared is the truth, under charge of his oath, he is 22 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; F. Duplessis; before Fernando Rodriguez, Clerk of the Court.

Adelaida's declaration.

In the city of New Orleans, on July 22, 1785, Nicolas Forstall, Regidor Perpetuo and Alcade Ordinario of this city and its jurisdiction for His Majesty, seated in his Court Room, caused to appear before him Adelaida, Hilario Boutté's slave, who made oath before the Escribano, by God, Our Lord, and a Cross, according to law, under charge of which she promised to speak the truth, then the following questions were put to her:

Does she know anything about the beating given Pablo Colat, on the corner near her house, on the night of the 7th-8th current?

She does not know anything about it.

On that same night, did she go out with Luisa, a free negress, to look for a surgeon or a midwife?

At about 10 o'clock that night she went out with the negress to look for a surgeon or a midwife, and she saw a man who continued to pass in front of Frederique's house, and although she looked at him well, she did not know who it was. This is the truth, under charge of her oath, she is 25 years old, and she did not sign because she does not know how. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Decree.

Send the records of this proceeding to the Auditor of War, so that I may consult him for the continuation of the cause. (Signed) Forstall.

Decree rendered on Auditor Postigo's advice.

In the city of New Orleans, on July 22, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, having examined the records, said that as a result of the testimony against Geronimo Roche, let his confession be taken, and then make suitable charges and accusations against him. This is his decree, thus he has provided, ordered and signed. Fees 5 pesos. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Confession.

In the city of New Orleans, on July 26, 1785, Nicolas Forstall, Senior Alcalde Ordinario of this city and its jurisdiction for His Majesty, went to the Royal Prison where he caused to appear before him Geronimo Roche, a prisoner there, from whom His Honor, before the Escribano, received the oath he made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and the following questions were put to him:

Does he remember having made a declaration in these proceedings, and does he wish to have it read to him and made a part of his confession?

Yes. And having read to him his declaration filed on pages 5, 6, and 7, he said it is the same as he has deposed, and that he affirms and ratifies it and wishes it to become a part of his confession.

Reminded that he had denied in his said declaration that he knew anything about the beating given Pablo Colat on the night of the 7th-8th of the current month, when from the declaration of Francisca Robin, his servant, filed on pages 8 and 9, that his cousin, Antonio, had gone to his house very early and told him the night before they had beaten Pablo Colat, and at that moment the mulattress, his servant, went out to get sardines, on the Plaza, for breakfast for the tailor's apprentices, and that a soldier told her they were going to make him a prisoner because he had struck Pablo Colat with a stick, and that just as soon as the mulattress entered his house she told him what the soldier had said, and he answered, I already know it, because my cousin has told me.

He does not remember the passage.

How can he deny that he had a quarrel with Pablo Colat, when he and the shoemaker, Pabó, went to the said Colat's house to inquire about the 10 pesos, two or three days before the event, as appears from the declaration of David Depuy, on the reverse side of pages 13, and 14, to the effect that the confessant with another went to Pablo's house, and with angry gestures nearly put his hands in the latter's face, and at the same time called him a thief? It also appears from Alexo Lesacie's (Lessassier) declaration, that on the same day he saw the confessant make gestures against Pablo, as though he was going to strike him, and at the same time spoke several abusive words, as has been stated, and that when he left Pablo's door, accompanied by the shoemaker, he said to him, thou shalt pay me, and this was said twice in great anger. And finally, it is evident from Juan Danos' declaration on pages 18 and 19, that when he passed Pablo Colat's house on the 5th or the 6th current, he saw the latter, who said to Geronimo Roche, Yes, I am drunk, which also proves that there was some quarrel between them, according to the words spoken by both?

He only said that in all his life he would never have a peso of his own. The rest is false, that the witnesses have stated. Those who have declared against him hate, or bear him ill will.

Does he deny having struck Pablo Colat, when it appears from the latter's declaration on pages 2, 3, and 4 of this proceeding, that it was the confessant who had struck him, and said Canaille, now you will pay me all, and that he knew because he recognized him?

This is not true.

He must speak the truth and not perjure himself ?

What he has declared is the truth, under charge of his oath, he is the age he has declared in these proceedings, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Geronimo Roig; before Fernando Rodriguez, Clerk of the Court.

Geronimo Roche petitions to be released from prison. Geronimo Roche, a resident and merchant of this city, through a

public attorney, in the criminal proceeding maliciously brought against him by Pablo Colat, falsely accusing him of having beaten him, etc., said that his confession was taken the day before, without any cause for corporeal punishment against him resulting from it, therefore, considering that he is held in the public prison of this city and has suffered much, and because of his health, he prays it may please His Honor to order his release from prison and place him under bond, that he will give to the satisfaction of this Court, until he is judged and sentenced according to law. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Whereas: Let this party give a Peace Bond to the satisfaction of the present Escribano, and to his account and risk, then let him be freed from prison where he is now held. He must empower some known attorney to defend him in this cause. Fees 7 pesos received. (Signed) Nicolas Forstall; Licenciado Postigo.

Certification of the recording of the bond. I certify that on this day the bond that was ordered by the foregoing decree was recorded in the

book of public writings in my charge. New Orleans, July 29, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

Special Power of Attorney.

The next entry is a certified copy of a Procuration, and reads: Know you to whom this letter comes that Geronimo Roche, resident of this city, grants his full and sufficient power of attorney, as required by law, to Pedro Bertonière, a special attorney, so that in the grantor's name and representing his proper person, rights, and actions, he may prosecute and finish the criminal proceedings brought against him by Pablo Colat, charging him with an attempt to kill him, and for this purpose his attorney may present himself before the Judges and Justices of His Majesty, as he can and must by law, he may hear rulings, interlocutory and definitive sentences, give advice, appeal and petition, and that he grants whatever power may be necessary for all of the abovesaid, without limitation, with free, frank and general administration, with the faculty in justice to swear in substitutes and revoke substitutions and name others with alleviation, and for the fulfillment of which he obligates his present and future estates, and inserts

here the guaranty clause and renounces the laws in his favor, with the general that prohibits it, and in testimony whereof this letter is dated in the city of New Orleans, on July 30, 1785, and the constituent, known to the Escribano, signs with the witnesses, Miguel Gomez, Carlos Griffond and Santiago Lemaire, residents of this city, here present. (Signed in the original) Geronimo Roig; before Fernando Rodriguez, Notary Public.

This agrees with the original which was executed before me and that remains in my possession and Archives, to which I refer, and upon the request of the party, I give the present written act on two sheets of paper, dated as above. In testimony of the truth. Cross and Flourish. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

Bond.

A certified copy of the Notarial Act granting bond, which reads:

In the city of New Orleans, on July 29, 1785, before the Escribano and witnesses appeared Joseph Maro, of this vicinity, known to the Escribano, who said that Geronimo Roche had been ordered to give bond for prison security, and in compliance with the aforesaid decree he constitutes himself his bondsman, and obligates himself in his capacity as Warden Commentator, and under the penalty of such to hold him at the disposition of the Court and to return him to it when ordered, and if the said Roche does not make restitution, he will pay whatever he is judged and sentenced to pay in all instances of this cause, for which he was taken a prisoner, for which the constituent makes this proceeding and transaction of another, his own, even though it may be necessary to exclude other suits brought against the said Roche or his property, the benefit of which he expressly renounces, and that the sentence that may be rendered against the defendant includes the constituent, who obligates his present and future estates, and that judicial compulsion and all the rigor of the law be used against him for the fulfillment of this agreement, and that he gives power to the Justices of His Majesty, and in a special manner for the prosecution of this cause, and he renounces all foreign, domestic and any other laws and statutes in his favor, and thus he executes it and does not sign because he says he does not know how, and asked one of the witnesses to sign for him, who were Francisco Lioteau, Santiago Lemarie and Miguel Gomez, residents of this city, here present. Before Fernando Rodriguez, Clerk of the Court.

This agrees with the original which was passed before me and which remains in my possession and Archives, to which I refer, and on request of the party I give the above on the day of its date. In testimony of the Truth. Cross and Flourish. (Signed) Fernando Rodriguez, Notary for the Cabildo and Government.

Geronimo Roche petitions for the return of his property.

Geronimo Roche, by means of his power of attorney which he duly presents in the proceedings brought against him by Pablo Colat who has assumed that he struck him, etc., conforming to the decree rendered to his last petition, he has given bond, as may be seen from the certified copy which also accompanies this said petition, in consideration of which and that the person acting as his bondsman is good and sufficient for the responsibility that may result from this lawsuit, may it please His Honor, in consequence whereof to return his property, because it consists of merchandise which is susceptible to great deterioration and damage, and to order the provisional depository named by this Court to take charge of his property to deliver it to him under the same inventory made when he received the articles. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Proceedings for the delivery of the seized property. In the city of New Orleans, on August 1, 1785, the Escribano, in virtue of the decree dated this day, went to Geronimo Roché's dwelling house, where in the presence of Joseph Bordas, depositary of the seized property belonging to the said Roche, he delivered to him the following articles:

Firstly, two pieces of canvas; another medium; another medium burlap; one piece and a remnant of limburg; a remnant and a half of green stuff; a remnant of baize; eight pieces of Provence linen; six pieces of striped, and one piece of white baize; six pieces of Guinea blue calico; twenty-two pieces of Provence linen; six of patent linen; six of Royal linen; three of cotton; six of Polonaise; eleven of printed calico; three pieces of Silesian linen cloth; six dozen handkerchiefs; one piece of Silesian linen; three pieces of cottonade; forty packages of thread; several remnants of muslin; and the said Geronimo Roche having been given delivery of all the abovesaid items, the Escribano attests to the transaction because it was made in his presence, and thus it was authorized and signed, the witnesses here present being Josef Becat, Francisco Lioteau and Santiago Lematre, residents of this city. (Signed) Geronimo Roig; before Fernando Rodriguez, Clerk of the Court.

Decree.

In the city of New Orleans, on August 6, 1785, Nicolas Forstall, Senior Alcalde of the city for His Majesty, having examined these records, said that he must name and does name as Promotor Fiscal for this cause, Antonio Mendez, Procurador del Numero, who must be notified for his acceptation and oath, and this done, deliver the records of the case to him so that he may draw up the necessary accusation. For this is His Honor's decree, thus he has ordered and signed. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Notification, acceptation and oath.

On the said day (August 6, 1785), the Escribano attests that

he personally notified Antonio Mendez, who said he accepted and did accept and swore by God, Our Lord, and a Cross, according to law, etc., and he signed, to which the aforesigned Escribano attests. (Signed) Antonio Mendez; before Fernando Rodriguez, Clerk of the Court.

Antonio Mendez sums up the case against Geronimo Roche.

Antonio Mendez, Procurador Publico del Numero of this city and Promotor Fiscal officially ap-

pointed to prosecute Geronimo Roche, also of this city, for having made an attempt against the life of Pablo Colat, etc., as may have more place in law, with reservation to put into execution whatever may be favorable to his representation, sets forth that by His Honor's decree of the 6th of the current month, the records of the case were delivered to him so that he might promote what is conformable, and formalize the accusation, as he has been charged to do at this stage of the case, as the fit place to produce this demand, so he solemnly accuses the said Geronimo Roche, civilly and criminally, assuming him to be guilty as charged, as appears from the summary investigation, declarations, and confession of the defendant, in order that from its merit it may please His Honor to declare him guilty of the crime of treachery and impose upon him the penalties in accordance with the circumstances of his said crime, guided by the laws, judicial powers, and rights that govern such incidents, and also to condemn him to pay all costs that may be necessary in justice.

The fundamental facts to the commission of the crime are patent from the declaration and confession of the accused, and although he has not spoken the truth, under promise of his oath, they make the essentials of its existence, together with the testimony of the deponents on page 14, up to the reverse side of page 16, and are the positive support and basis of his guilt, and this conceded, with the judicial proceedings executed, by which the crime is presented clearly and truly, and thereby prove that the charges against the defendant are well founded.

A spirit of vengeance, conduct neither Christian, moderate, nor pious, have been the impulses that influence his sentiments and actions, both of them abhorrent and improper, not only to Catholic citizens, but also to the most barbarous of nations. However, it is not to uncover other subject matter that Roche used to hide his malice and vengeance, when he was protected by the darkness and silence of the night, he caused serious loss and prejudice to a poor man who has no other means of support except what he can earn by his daily work, and if his manner of thinking was so very unjust, how much more punishable and detestable was his execution of his purpose. For all of which, in

conformity to law, pursuant to His Honor's decree, and in vindication of the injustice committed against the said Pablo Colat, it is thus he prays, in the city of New Orleans, on August 12, 1785. (Signed) Antonio Mendez.

Alcalde Forstall, on Juan del Postigo's advice, rules to send this accusation to Geronimo Roche.

Geronimo Roche answers the accusation. Geronimo Roche, through his attorney, in the criminal proceedings prosecuted against him on a false accusation made by Pablo Colat, who claims that it was the defendant who beat him with a stick, etc., answering the accusation that has been given him, states that in rigorous terms of justice His Honor must reject it and declare him free of the charges made against him and condemn the plaintiff to the punishment that his accusation has incurred, and also to all costs of this proceeding, because of what will result from it favorable to him, and as follows:

The contents of the said Colat's declaration on page 3 leave no doubt of the untruth of the aforesaid accusation; it is entirely contradictory and does not conform to the truth in any thing, nor to the oath he has taken to speak it, when he says that after receiving the blow he fell to the ground unconscious, and that he did not know what he did afterwards, but he knows very well, and it is evident, because the defendant is aware that it was a production of his very violent temper, and does not lead to anything except to calumniate him and to disturb his peace of mind, and his well ordered conduct which is very well known and has been sufficiently proven by the witnesses in the summary investigation, from page 10 to page 13 inclusive, which leaves no doubt regarding the truth of Colat's declaration, and the rest of the depositions corroborate this fact, and it may be seen that the witnesses Colat quotes do not know what took place except what they heard him say, and he, moved by the spirit of vindictiveness, has figured that his simple word was enough to ruin the defendant.

The declarations of Mr. Dupuy and Luis Lesassier are the sole ones upon which his charge is founded, and do not prove anything either, and besides it is evident, from Antonio Pabó's declaration on page 12, that what these Frenchmen have testified is contrary to what took place because they did not understand the Catalan language. Naturally they did not comprehend what he said to Colat when he was at his house, all of which is more than sufficient to prove that Colat slandered him by falsely accusing him of an act he never thought of, much less carrying into effect, as may also be proven from the depositions of Joseph Bordas and Joaquin Olivier, men known to be Christians and of good conduct. In merits of same, and for the justice due him in this matter because of his proven innocence, he prays His Honor

to determine as and in conformity to what he has requested in the beginning of this written petition. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on
August 29, 1785, Nicolas Forstall,

Senior Alcalde of this city for His Majesty, having examined these records and what results from them against Geronimo Roche, said that he now receives and does receive this cause for proof within the term of six common days, during which time both parties must ratify the testimony of their witnesses, and must answer for those who have died or may be absent. For this is his decree, thus he has provided and signed. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 1st witness. In the city of New Orleans, on
August 29, 1785, Nicolas Forstall,

Senior Alcalde of this city for His Majesty, presiding in his Court Room, caused to appear before him Francisca, a free mulattress, who took oath before the Escribano, by God and the Cross, according to law, under charge of which she promised to speak the truth, and having read her declaration to her, filed on pages 7 and 9 of these records, she said it was the same as she had deposed, that it is the truth under charge of her oath, and that she is the age she has declared. She did not sign because she says she does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 2nd witness. In the city of New Orleans, on
the said day, month and year
(August 29, 1785), Nicolas For-

stall, Senior Alcalde of this city for His Majesty, seated in his Court Room, caused Josef Bordas to appear before him, from whom His Honor, in the presence of the Escribano, received the oath which he made by God, Our Lord, and a Cross, according to law, and under charge of his aforesaid oath he promised to speak the truth, and having read him his declaration, filed on page 19 of these proceedings, he said that it is the same as he has deposed, that he affirms and ratifies it, and that he is the age he has declared. He signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Joseph Bordas; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 3rd witness. In the city of New Orleans, on
August 30, 1785, Nicolas Forstall,

Senior Alcade of this city for His Majesty, presiding in his Court Room, caused Joaquin Olibier to appear before him, from whom His Honor received the oath taken in the presence of the Escribano, by God and the Cross,

according to law, under charge of which he promised to speak the truth, and having read him his declaration appearing on pages 11 and 12 of these proceedings, he said it is the same as he has deposed and that he affirmed and ratified it, as it is the truth, under charge of his oath. He is the age he has declared, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Joaquin Oliber; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 4th witness. In the city of New Orleans, on August 30, 1785, Nicolas Forstall, Senior Alcalde of this city, presid-

ing in his Court Room, caused Antonio Pabó to appear, and oath was administered, which was taken by God, Our Lord, and a Cross, under charge of which he promised to speak the truth, and having read to him his declaration appearing on pages 12 and 13 of these proceedings, he said that it was the same as he had deposed and that he affirmed and ratified it because it is the truth, under charge of his oath, and that he is the age he has stated. He did not sign because he says he does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 5th witness. In the city of New Orleans, on August 30, 1785, Nicolas Forstall, Senior Alcalde of this city for His

Majesty, seated in his Court Room, caused Dabid Depui (David Dupuy) to appear, and the Escribano administered oath, taken by God and the Cross, according to law, under charge of which he promised to speak the truth, and having read to him his declaration filed with these records on pages 13 and 14, he said it was the same as he had given and that he affirms and ratifies it because it is the truth, under charge of his oath. He is the age he has stated, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; D. Deputy; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 6th witness. In the city of New Orleans, on August 30, 1785, Nicolas Forstall, Senior Alcalde of this city for His

Majesty, caused Hilario Boutté to appear in his Court Room, from whom His Honor received oath, in the presence of the Escribano, taken by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and having read to him his declaration that appears on pages 20 and 21 of these records, he said that it was the same as he had made and that he affirmed and ratified it, under the oath he has taken, and that he is the age he has stated. He signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; H. Boutté; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 7th witness.

In the City of New Orleans, on August 30, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, seated in his Court Room, caused Juan Grenoble to appear before him, and oath was administered in the presence of the Escribano, which was made by God, Our Lord, and a Cross, under charge of which he promised to speak the truth, and having read to him the declaration he had given on pages 15 and 16 of these records, he said it was the same as he had deposed and that he affirms and ratifies it because it is the truth, under the charge of his oath, and that he is the age he has stated. He did not sign as he said he did not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Frostall; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 8th witness.

In the city of New Orleans, on August 30, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, presiding in his Court Room, caused Miguel Latune to appear before him, from whom His Honor received oath, in the presence of the Escribano, made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and having read to him his declaration filed in these proceedings on pages 16 and 17, he said it is the same as he has deposed and that he affirms and ratifies it because it is the truth, under charge of his oath, and that he is the age he has stated. He did not sign as he said he did not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 9th witness.

In the city of New Orleans, on August 31, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, seated in his Court Room, caused Santiago Tournier to appear before him, and oath was administered in the presence of the Escribano, taken by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and having read him his declaration made on pages 17 and 18 of these proceedings, he said it was the same as he had deposed, that he affirmed and ratified it, under charge of his oath, and that he is the age he has stated. He signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Jacques Tournier; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 10th witness.

In the city of New Orleans, on August 31, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, seated in his Court Room, caused Juan Danos to appear before him, from whom His Honor received oath, made in the presence of the Escribano, by God and a Cross, according to law,

under charge of which he promised to speak the truth, and having read him his declaration filed in these proceedings on pages 18 and 19, he said it is the same as he has given and that he ratifies and affirms it because it is the truth, under charge of his oath, and he did not sign as he was physically unable to do so. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

In the city of New Orleans, on
Ratification of the testimony of the 11th witness. September 1, 1785, Nicolas Forstall, Senior Alcalde of this city for

His Majesty, presiding in his Court Room, caused Mateo Hontard to appear, from whom oath was received by His Honor, in the presence of the Escribano, taken by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and having read to him his declaration that appears on pages 19 and 20 of these proceedings, he said that it is the same as he has deposed and that he affirms and ratifies it because it is the truth, under charge of his oath. He is the age he has stated, and he did not sign as he does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

In the city of New Orleans, on
Ratification of the testimony of the 12th witness. September 1, 1785, Nicolas Forstall, Senior Alcalde of this city for

His Majesty, seated in his Court Room, caused the negress, Luisa, to appear before him. His Honor received her oath, in the presence of the Escribano, taken by God, Our Lord, and a Cross, according to law, under the charge of which she promised to speak the truth, and having read to her the declaration that appears on pages 21 and 22 of these proceedings, she said it is the same as she has deposed and she affirms and ratifies it because it is the truth, under charge of her oath, and that she is the age she has stated. She did not sign as she does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

In the city of New Orleans, on
Ratification of the testimony of the 13th witness. September 1, 1785, Nicolas Forstall, Senior Alcalde of this city for

His Majesty, presiding in his Court Room, caused Francisco Duplessis to appear before him, to whom oath was administered in the presence of the Escribano, taken by God, Our Lord, and a Cross, under charge of which he promised to speak the truth, and having read him his declaration filed on pages 22 and 23 of these proceedings, he said it is the same as he has deposed and that he affirmed and ratified it as it is the truth, under charge of his oath, and that he is the age he has stated, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; F. Duplessis; before Fernando Rodriguez, Clerk of the Court.

Ratification of the testimony of the 14th witness.

In the city of New Orleans, on September 2, 1785, Nicolas Forstall, Senior Alcalde of this city for

His Majesty, seated in his Court Room, caused to appear before him Adelayda, Hilario Boutté's slave, and oath was administered to her in the presence of the Escribano, which she took by God, Our Lord, and a Cross, according to law, under charge of which she promised to speak the truth, and having read to her the declaration that appears on pages 23 and 24 of these proceedings, she said that it is the same as she has deposed, that she affirms and ratifies it because it is the truth, under charge of her oath, and that she is the age she has stated. She did not sign as she does not know how to write. His Honor signed, to which the Escribano attests. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Miguel Gomez ratifies Alexo Lesassier's testimony in his absence.

In the city of New Orleans, on September 2, 1785, Nicolas Forstall, Senior Alcade of this city for

His Majesty, seated in his Court Room, where Miguel Gomez was present, from whom he received the oath which he made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and questioned as to whether he knew Alexo Lesasie (Lesassier), he answered he has known him for many years and that he is a religious person incapable of violating the sacredness of an oath, and that it is evident that he is absent from this city. This is the truth, under charge of his oath, and he is 40 years old. He signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Miguel Gomez; before Fernando Rodriguez, Clerk of the Court.

Santiago Lemarie ratifies Alexo Lesasier's testimony in his absence.

On the said day, month and year (September 2, 1785), Nicolas Forstall, Senior Alcade of this city

for His Majesty, presiding in his Court Room, where Santiago Lemarie was present, His Honor received his oath which he made by God, Our Lord, and a Cross, in conformity to law, under charge of which he promised to speak the truth, and asked whether he was acquainted with Alexo Lesassier, he said he had known him for many years as a person of well regulated life and conduct and that it seems he is now absent from this city. This is the truth, under charge of his oath, he is 26 years old, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; J. Lemarie; before Fernando Rodriguez, Clerk of the Court.

Geronimo Roche petitions for an extension of time.

Geronimo Roche, through his attorney, in the criminal suit prosecuted against him upon a false

accusation brought by Pablo Colat, sets forth that this cause has

been received for proof within a term of six common days, which will expire shortly, but during the given time he has not been able to produce proofs favorable to him, therefore he prays it may please His Honor to concede him ten days additional time. Alcalde Forstall, on Assessor Postigo's advice, rules: Let eight common days be conceded to both parties, with the exclusion of any further extension of time.

Proofs of Pablo Colat.

Antonio Mendez, Procurador
Publico del Numero of this city

and Promotor Fiscal named in the criminal proceedings prosecuted against Geronimo Roche, in due process of law, sets forth that this cause has been received for proof, within a term of six common days, during which time the witnesses must ratify their testimony, those that may be dead or absent must be answered for, and each party must produce what is convenient to him. Therefore he prays to reproduce the declarations on pages 14 and 16, as well as the accusation on page 38, together with everything favorable to his client in the process. Nicolas Forstall, on Juan del Postigo's advice, rules: The abovesaid having been reproduced, let them be filed with the plaintiff's proofs.

Expenses incurred during Colat's illness. Sworn Account that I, Pablo Colat, produce with all possible justice, of the expenses incurred during my serious illness caused by the blows I have received from Geronimo Roche, namely:

Firstly, 39 days at 3 reales a day for bread....	118
For candles for 28 days, at two reales.....	56
For 39 hens at 5 reales.....	195
Wood for 39 days at two reales.....	78
For meat for 39 days at 2 reales.....	78
For 39 days for the hire of a negress at five reales for each day.....	195
For 38 bottles of wine at 2 reales.....	76
For 16 days, at 3 reales, expenses incurred for water, and carrying it, for baths.....	48
For one half a pound of tea, three pesos.....	24
Two pesos for milk.....	16
For eight pounds of sugar at two reales.....	16
	Total. 900 Reales.

I swear by God and a Cross that this account is well and faithfully made. New Orleans, September 3, 1785. (Signed)
Pablo Colat; Antonio Mendez.

Decree.

New Orleans, September 3, 1785.
Let an account be drawn up of the time lost, counting the amount Pablo Colat would have earned for each day's work, at his trade as a tailor, rated and adjusted by Juan Ceresola and Antonio Moren Tolos, master tailors, who

must be notified for their acceptation and oath, and done, proceed to the adjustment. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Notification, acceptation and oath. In the city of New Orleans, on the said day, month, and year (September 3, 1785), the Escribano personally notified Juan Ceresola of his appointment to act as arbitrator, and he said that he accepted and did accept, and swore to proceed well and faithfully with the duties of his office, and he signed, to which the Escribano attests. (Signed) Juan Domingo Ceresola; before Fernando Rodriguez, Clerk of the Court.

Notification, acceptation and oath. On the said day, the Escribano personally notified Antonio Moren, called Toulus, of his appointment to act as Arbitrator, who said he accepted and did accept, and swore to proceed well and faithfully, etc. He did not sign because he said he did not know how, to which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

Decision rendered by the Arbitrators. In the city of New Orleans, on the said day, month and year (September 3, 1785), Nicolas Forstall, Senior Alcalde of this city for His Majesty, seated in his Court Room, where Antonio Moren and Juan Ceresola were present, pursuant to the foregoing decree, for the purpose of accomplishing what they had been ordered to do, and they said that they estimated the labor of a master tailor, at the most, at a rate of 3 pesos a day. The one who knew how to write signed with His Honor, to which the Escribano attests. (Signed) Juan Domingo Ceresola; Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Pablo Colat petitions to present his Doctor's certificate.

Antonio Mendez, Procurador Publico del Numero of this city and Promotor Fiscal named in this cause to prosecute Geronimo Roche, officially, for having made an attempt against the life of Pablo Colat, etc., states that the case has been received for proof, and finding this the most opportune time to present what is most favorable to his client, therefore he prays to be permitted to file a statement of expenses incurred through the bold and depraved crime of Roche against the said Colat, and petitions the Court to order as he has requested. Alcalde Forstall, on Assessor Postigo's advice, rules: The account having been presented, let it be filed with the proofs.

Dr. Senac's certificate.

I certify that I was called by Mr. Colat, a Catalan tailor, the seventh of July at eleven o'clock in the evening, to treat his wounds received a little while before. On the 8th current, in accordance with an order from Mr. Forstall, Alcalde, I have certified by a

report in conformity to the regulations of the police, of the state of the wounds which have been dressed, and that I have visited the patient until he was entirely cured, as the case required by the science of surgery.

Visited at night 1 peso

Two bleedings

Medicine

Medicines furnished to cure and reduce the contusions of the back part of the shoulder, with two visits each day during all the time of his illness to look after any accidents that might result in a like case. All treatment, visits and medicines included, amount to 45 piastres. New Orleans, August 31, 1785. (Signed) J. Senac, Master in Surgery.

The Promotor Fiscal petitions for a translation of the Doctor's certificate. Antonio Mendez sets forth that this cause has been received for proof, and for what is convenient

to him to give he presents Surgeon Joseph Senac's certificate, who treated Pablo Colat all during the dangerous period of his illness, therefore he prays to have this certificate translated into the Castillian language by Esteban Quiñones, and done, file it with his proofs. Nicolas Forstall, on Assessor Postigo's advice, rules: As it is prayed in all.

Spanish translation of the French certificate. In the city of New Orleans, on the said day, month and year, in virtue of the foregoing decree, I

have translated the foregoing certificate in the following manner. The Spanish translation follows, and Esteban de Quiñones states, I have made the translation well and faithfully without injury to the party, and in testimony whereof I sign as above. (Signed) Esteban de Quiñones. Fees 11 reales for taxation.

Proofs of Geronimo Roche.

Geronimo Roche, through his attorney, in the criminal proceedings maliciously prosecuted against him by Pablo Colat, avers that this cause has been received for proof and for the part he must give, he reproduces the declarations on pages 10, 11 and 12, together with his written petition on page 41, and everything favorable to him from the process, and prays the Court to have them reproduced and ordered filed with his proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: These documents having been reproduced, let them be filed with the proofs.

Interrogatorio.

Interrogatorio by the tenor of which Pablo Colat must be examined in the criminal proceedings he prosecutes against Geronimo Roche upon a false accusation:

Firstly, is it not true that on the day the defendant went to his house with Antonio Pabó to ask whether he had collected

the 10 pesos from him, that he owed them, and that he answered, yes, he collected them at the time they were partners ?

Item. Also, how was it that when the defendant reminded him by asking how could he say that he had recevied the said sum during their partnership then at the time they separated when he asked the plaintiff how does it stand with the shoemaker, Pabó, he answered that the latter had given them two pairs of shoes worth five pesos, and still owed them ten ?

Item. So, too, is it not true that the defendant did not say anything more except that he had understood that in all of his life he had not had a peso of his own and that he was a miserable creature ?

Item. Let him also say whether he had ever known the defendant, when they were partners, and drank together, or before, to have been a bad man, and whether he had not always treated everybody with friendship, and had never quarreled with anyone ?

Geronimo Roche petitions to have Pablo Colat answer his Interrogatorio.

The defendant states that this cause has been received for proof, and for the part that he must give, may it please the Court to order Pablo Colat, under oath, in due form, and without delay, to swear and declare to the tenor of the Interrogatorio which he duly presents, and done, file it with his proofs. Nicolas Forstall, on Juan del Postigo's advice, rules: The Interrogatorio having been presented, let Pablo Colat swear and declare to its contents, as requested; entrust the taking of the declaration to the Escribano, and done, file the deposition with the defendant's proofs.

Pablo Colat's declaration.

In the city of New Orleans, on the said day, month and year (September 5, 1785), Nicolas Forstall, Senior Alcalde for His Majesty for this city and its jurisdiction, seated in his Court Room, received Pablo Colat's oath, taken before the Escribano, which was made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the foregoing Interrogatorio, to each of the questions he answered as follows:

To the first question, he said that it is true in all its contents.

To the second, he answered, this is true, except that the witness told Geronimo Roche that he must consult the books of the shop where everything is set down.

To the third, he stated that this is true in all it contains.

To the fourth, he said it is true that the defendant did not quarrel with anyone as far as the witness knows, and that it was he alone that Geronimo Roche wished to kill, by beating him on the 7th of last July, at 11 o'clock at night, and that the

day before he had threatened him. This is the truth and he affirms it under the oath taken, as he does of what he has declared in these proceedings, and he signed with His Honor, to which the Escribano attests. (Signed) Nicolas Forstall; Pablo Colat; before Fernando Rodriguez, Clerk of the Court.

Antonio Mendez petitions for a Publica-
tion of the Proofs.

Antonio Mendez, Promotor Fiscal appointed to defend Pablo Colat, sets forth that this cause has been received for trial within a term of six common days to both parties, and when this time had expired eight additional days were conceded at the request of the said Roche, but the extended time having also expired, he prays it may please the Court to order a publication of the proofs, and that the records of the case be delivered to him so that each party may allege according to what has been produced. Alcalde Forstall, on Assessor Postigo's advice, rules to send this petition to Geronimo Roche.

Geronimo Roche petitions for a Publica-
tion of the Proofs.

Geronimo Roche, through his attorney, avers that the time for producing proofs has expired, he has no objections to a publication of the proofs as requested, and that upon seeing these records it may please the Court to determine what will be according to law. Nicolas Forstall, on Juan del Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on September 14, 1785, Nicolas Forstall, Senior Alcalde of this city for His Majesty, having examined these records, said he must order and does order a publication of the proofs, as requested, and if either of the parties has not obeyed this decree, let a certification to this effect be filed with the proceedings, and done, by this ruling deliver the proofs to both litigants, so that each one may allege what is convenient to him. This is his decree, thus he has provided, ordered and signed. Fees 2 pesos. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Antonio Mendez petitions to allege as
well proven.

Antonio Mendez, Procurador Publico del Numero of this city and Promotor Fiscal named in this cause officially prosecuted against Geronimo Roche for having made an attempt against the life of Pablo Colat, etc., in the best process of law, sets forth that the records of the case have been delivered to him to allege as well proven, and reducing his plea to plain facts, may it please the Court to condemn the said Roche not only to pay the costs of this suit, but also for the arrears, prejudices and losses which his ignominious behavior has caused his client, according to what results from the records, and he will state as follows:

The certainty of the crime and its author is patent, as may be seen from the declarations on page 14 and the reverse side of page 16, together with the ratifications on pages 47 and 49, that the guilty party can be no other than Geronimo Roche, and the denial that appears in these records made in his defense cannot confuse the high understanding of the Court, because it is plain to everyone that Roche is the culprit, that he committed the crime, for if to the contrary, it will be seen what a great absurdity it would be to punish him, and this instance would not be necessary, nor the rest of the proofs that he has drawn up so well in justice for its verification.

What more proofs are necessary? Roche's denial convicts him because he had previously threatened Palbo Colat, as may be noted in the summary investigation, with no more than thirty-six hours intervening between the time he made the threat and his going out in the darkness of the night, in disguise, and as a result the plaintiff was ill used and almost killed. What decision can be drawn from his oath, when he says in his declaration on page 6, in answer to the second question, he does not know the reason for his imprisonment, when in his declaration on the reverse side of page 7, and those following, that the mulattress, Francisca Robin, stated to him, in his own house, that they were coming to arrest him because he had beaten Pablo Colat, and that he answered her, saying he already knew it. These are the convincing proofs that show the truth of the crime charged against Roche, for which he prays His Honor to order him punished in accordance with the merits of such an enormous offense and to condemn him to pay for the days of labor he has caused a man to lose who does not enjoy any other income except what he earns by his personal work and industry, for all of which he has deprived him.

In a secondary petition, Antonio Mendez states that as it does not appear from the records the amount that should be paid for his client's labor, may it please His Honor to name two persons who are tailors by trade to decide what sum should be paid to him for his daily toil* and to add it to the Surgeon's certificate filed on page 59 and translated on page 61, in which it is stipulated the number of days Pablo Colat was confined to his bed. He prays for justice as above. Alcalde Forstall, on Assessor Postigo's advice, rules: Let the principal petition be sent to the defendant, and to the secondary one: As it is prayed.

Geronimo Roche, through his attorney, in the criminal proceedings prosecuted against him upon a false accusation made by Pablo Colat, avers that the records of the case have been delivered to him to answer the written petition

* See entry September 3, 1785. Messrs. Ceresola and Moren appraise a master-tailor's labor at 3 pesos a day.—L. L. P.

to allege, presented by the plaintiff, filed on page 69, and reducing same to plain facts, may it please His Honor to declare him innocent of the said accusation and condemn the said Colat to pay all costs of this process, as the false accuser, because the merits of the case are generally favorable to him and are as follows:

Firstly, because from the said records the contrary to everything Colat has declared on page 3 is evident, as may be proven from the depositions on pages 8, 10, 11 and 12 and the ratifications on pages 45 and 46, up to 47, besides what he has testified on page 65, which form a part of the defendant's proofs, whereby Colat's untruthfulness is evident, since he has declared that the defendant did not at anytime threaten him the day he went to his house with Antonio Pabó, and notwithstanding this the Promotor Fiscal, in these proceedings, avails himself of the depositions of two Frenchmen who have declared that he threatened him. These said depositions should be declared null because they are false.

Besides, there is no doubt that the aforesigned Pablo Colat is a vindictive man and that he has tried to make the defendant out to be a bad man, when he has not done anything to him. It was his way to make statements against the defendant which fully proves this and is also shown in his written petition on page 41, because his declaration is full of contradictions; in one place he said his opponent was making daily threats against him and in another on page 65 he confesses he had never known him to quarrel with anyone, although he had the audacity to add that he tried to kill him with a stick, which shows him to be without fear of God, Our Lord, and Royal Justice, when from all the records it has been evident that he is a calumniator, as none of the witnesses in the summary investigation testify in the plaintiff's favor except those who repeat what they have heard him say.

Regarding Pablo Colat's claim that the defendant pay for his labors, besides the imaginary expenses he says he incurred during his feigned illness, according to the bill he produced, filed on page 57, and also the Doctor's on page 59, all the defendant has to say is that the plaintiff could earn a great deal more by remaining ill for the entire year and not working than by following his trade, and according to his bill, had he labored day and night, it was not possible for him to burn up daily what he seems to have wasted during his feigned illness, and if he were really sick and under treatment it was absolutely out of the question for him to eat and drink 3 pesos worth of food a day. He prays to bring this absurdity to His Honor's notice to conjecture what his wisdom may dictate as justified.

Finally, confident in the integrity with which His Honor is accustomed to distribute justice, he concludes by praying it may please the Court, in merits of the case, to support his claim

which is just, as appears from the proceedings, and to sentence in conformity to what he has requested in the beginning of this written petition of allegation. Alcalde Forstall, on Assessor Postigo's advice, rules: Send this petition to the plaintiff.

Antonio Mendez answers, asking a confirmation of his allegation.

The Promotor Fiscal states that Geronimo Roche's allegation has been delivered to him to contest

what he has produced, and in answering same he prays it may please His Honor to determine definitively and in conformity to what he has requested in his allegation. Nicolas Forstall, on Juan del Postigo's advice, rules: Send this petition to the defendant.

Geronimo Roche answers, asking for the definitive sentence.

Geronimo Roche answers, averring that the records of the case have been delivered to him, and

responding to the Promotor Fiscal's last representation, may it please the Court to sentence definitively, after examining what he has produced in his written allegation, as also by reason of all that appears favorable to him from the process. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Let the parties be cited for the definitive sentence.

(Signed) Nicolas Forstall; Licenciado Postigo.

Definitive Sentence.

In the city of New Orleans, on October 21, 1785, Nicolas Forstall,

Senior Alcalde of this city and its jurisdiction for His Majesty, having examined these records, said that because guilt has been proven he must condemn and does condemn Geronimo Roche to pay Pablo Colat the sum of 223 pesos, which amount covers the expenses for the surgeon, food for the patient and the day's wages that the plaintiff would have earned had he worked, and besides he must pay the costs of this process, with a warning that in the future he refrain from abuse by word or act against any person, because if he does he will be severely punished. This is his decree definitively judged, thus he has pronounced, ordered and signed. Fees 5 pesos received. (Signed) Nicolas Forstall; Licenciado Juan del Postigo; before Fernando Rodrizuez, Clerk of the Court.

Notification, acceptance and oath.

On the said day, month and year

(October 21, 1785), the Escribano

received Luis Lioteau's oath, taken by God, Our Lord, and a Sign of the Cross, in conformity to law, under which he promises to fulfill well and faithfully all the duties of his charge, and he signed, to which the Escribano attests. Initialled by Luis Lioteau.

Taxation of Costs.

On October 21, 1785, Luis Lioteau taxes costs at 179 pesos 3 reales.

Written in the margin, presented
by the party on this day. New Or-
leans. October 21. 1785. (Signed)

Leans, October 21, 1883. (Signed)
Rodriguez. Geronimo Roche avers that he has been notified of a sentence given and pronounced by His Honor, on the advice of the Auditor of War and the Assessor General of this Province, dated the 21st current, condemning him to pay Pablo Colat 223 pesos and all costs of this process, and because this said sentence is prejudicial to him (speaking with due respect) he appeals from His Honor, and the said sentence, to the Very Illustrious Municipal Government of New Orleans, and from that to whatever Court may be most convenient and according to law. Save the exceptions of nullity, transgression and other due action.

Therefore to His Honor he prays that having presented himself in the said stage of the proceedings he may be pleased to hear the petitioner freely, just as and according to what he has requested, as it is justice that he asks with costs, and he swears in due form of law that this does not proceed from malice and is necessary, etc.

Decree

Considering that what was ordered by His Excellency Count

O'Reilly, in the Instructions he drew up for the Directions of Civil and Criminal Processes, according to the Digest of the Laws of Castile and the Indies, makes no provision for an appeal such as this party presents to the Cabildo of this city from the sentence pronounced by His Honor, on the advice of the Auditor of War, dated the 21st current, in the criminal suit that Pablo Colat prosecutes against the defendant for blows and threats, his petition is denied. New Orleans, October 22, 1785. (Signed) Nicolas Forstall; before Fernando Rodriguez, Clerk of the Court.

Pablo Colat sets forth that, by sentences pronounced in these pro-

present year, it pleased His Honor to condemn Roche to pay the plaintiff 223 pesos besides the costs of the case, and whereas the said sentence was passed in the authority of a thing adjudged, therefore may it please the Court to order it fulfilled in all its parts as it was decreed. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Pablo Colat states that, by sentence pronounced by His Honor, on the advice of Juan Donato del

on the advice of Juan Doroteo del Postigo, Auditor of War, dated the 21st of last October, Geronimo Roche was condemned to pay the plaintiff 223 pesos for food, Doctor, and day labor during the time of his illness. This sentence was passed in the authority of a thing adjudged, in virtue of which he prays the Court to order that he be paid the aforesigned sum from the proceeds realized from the sale of the

defendant's property to pay his creditors. Nicolas Forstall, on Juan del Postigo's advice, rules: Let Pablo Colat be paid the sum he claims, from the produce of the said property.

Receipt.

In the city of New Orleans, on the said day, month and year (December 12, 1785), before the Escribano and witnesses, appeared Pablo Colat of this vicinity, whom the Escribano attests he knows, and he acknowledges to have received from (space left for the name) the sum of 223 pesos, as he was ordered to pay by sentence of October 21, 1785, passed in the authority of a thing adjudged, from Geronimo Roche's property, he states that he has received the said sum to his entire satisfaction, and the Escribano attests to the delivery because it was made in his presence, and he signed before the witnesses, Pedro Tornado, Miguel Gomez and Santiago Lemarie, of this city, here present. (Signed) Pablo Colat; before Fernando Rodriguez, Clerk of the Court.

Geronimo Roche petitions for a copy of this suit.

In a petition addressed to The Senior Alcalde Geronimo Roche, of this city, presents himself before

His Honor and avers that a criminal suit has been prosecuted by Pablo Colat against him, before Fernando Rodriguez, and this cause having been concluded, it is convenient to his right to have the said Escribano give him a copy of the proceedings, certified to in due form, for which he obligates himself to pay the necessary fees. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Fernando Rodriguez petitions for a taxation of the last costs.

Fernando Rodriguez, Clerk of the Court, for the criminal suit prosecuted by Pablo Colat against

Geronimo Roche, stipulates that this cause is finished, therefore he prays the Court to order a taxation of the last costs that have been caused. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Notification, acceptance and oath.

On the said day (December 15, 1785), Luis Lioteau was personally notified, and he said he accepted and did accept and swore by God and a Cross, according to law, to proceed well and faithfully, etc., and he signed, to which the Escribano attests. Luis Lioteau does not sign. This entry is signed by Fernando Rodriguez, Clerk of the Court.

Taxation of last costs.

pesos 6 reales.

On December 22, 1785, Luis Lioteau taxes the last costs at 8

July 11.

**Juan Bautista Macarty
vs. Estebania Goyon.**

No. 3085. 8 pp.

Courts of Alcaldes
Nicolas Forstall and
Jose Orue.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect from a widow a debt due for a bill of goods purchased some years previously by her now deceased husband, has no particular interest for the student of Spanish colonial law in Louisiana. But the student of economic and social history finds in the various items listed in the bill of goods, and their prices, some interesting source material.

The plaintiff petitions to have the defendant verify her debt.

Garic, owes him the sum of 63 pesos 6 reales, and whereas he has reminded her several times, he has not been able to collect his money. Therefore he prays the Court to order her, under oath and without delay, to swear and declare whether she owes this debt, and done, deliver her deposition to him. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed; entrust the taking of the deposition to the Escribano.

Deposition.

(July 11, 1785), the Escribano, in virtue of the commission conferred upon him, received the oath of Estefania Gouyon, Widow Garic, which she made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which she promised to speak the truth, and having shown her the bill filed on page 1, she said its contents is true and correct. This is the truth, under charge of her oath, and she is 30 years old.

The first entry is a bill which forms the basis of the suit, and is as follows:

Mrs. Garic owes J. B. Macarty.
1778
Jan. 9. For 1 piece of linen.. 20
1782
March 14. 1 case of oil..... 15
25. 2 dozen plates..... 10
1 tin coffee pot..... 2-4
3 dishes at 6 reales..... 2-2
12 little cups and saucers.. 4
6 porringers and saucers.. 2-4
1 night vessel 1-4
1 piece of Breton linen..... 6

Piastres..... 63-6

I certify that the above account is just and reasonable. New Orleans, May 28, 1784. (Signed) J. B. Macarty.

Juan B. Macarty states that, as it appears from the bill duly presented, Estevania Goyon, Widow

Garic, owes him the sum of 63 pesos 6 reales, and whereas he has reminded her several times, he has not been able to collect his money. Therefore he prays the Court to order her, under oath and without delay, to swear and declare whether she owes this debt, and done, deliver her deposition to him. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed; entrust the taking of the deposition to the Escribano.

In the city of New Orleans, on the said day, month and year

(July 11, 1785), the Escribano, in virtue of the commission conferred upon him, received the oath of Estefania Gouyon, Widow Garic, which she made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which she promised to speak the truth, and having shown her the bill filed on page 1, she said its contents is true and correct. This is the truth, under charge of her oath, and she is 30 years old.

Note.

She did not wish to sign, stating that she would pay within a few days, to which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions for a writ of Execution.

Juan B. Macarty avers that it is evident from the defendant's declaration that she owes him 63 pesos 6 reales, therefore he prays for a Writ of Execution against all or any of her property, up to the full satisfaction of the debt, its one-tenth and costs, and he swears by God and the Cross that this debt is due and has not been paid. Alcalde Forstall receives this petition, and later decrees:

Decree.

Whereas: Issue a Writ of Execution against any or all of the property of Estefania Gouyon for the sum of 63 pesos 6 reales, which it appears she owes Juan B. Macarty, together with its one-tenth and costs.

The Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Estefania Goyon, Widow Garic, to pay Juan Bautista Macarty the sum of 63 pesos 3 (6) reales, that it is evident she owes, and if she does not pay at once, take execution against her person and property sufficient to pay this said sum, its one-tenth and costs, caused or that may be caused, up to the real and effective payment, as by decree rendered this day. Thus it is ordered. New Orleans, November 18, 1785. (Signed) Nicolas Forstall. By Order of His Honor. (Signed) Fernando Rodriguez.

[Translator's Note: There is no record of the service of this Writ.—L. L. P.]

The plaintiff petitions to have the Writ previously issued served.

Juan Bautista Macarty alleges that on November 18, 1785, a writ of execution was issued against Mrs. Garic's property, which was not carried into effect because she represented that she could not pay the costs, and considering that she now wishes to sell a slave to satisfy her creditors, in virtue of his writ this sale should not be effectuated, therefore he prays the Court to order his Writ of Execution to have effect and to seize her property as previously decreed. On February 6, 1786, Jose de Orué, on Juan del Postigo's advice, rules: As it is prayed.

Nicolas Fromentin's report.

In the city of New Orleans, on February 7, 1786, before the Escribano appeared Nicolas Fromentin, Deputy Sheriff, and he said that in virtue of the foregoing decree, he requested Estefania Goyon, Widow Garic, to pay Juan Bautista Macarty the sum of 63 pesos 6 reales, and as she did not pay he seized a negro named

Carlos, aged 12 years, as he was ordered. This he wished set down as a matter of record, to which the Escribano attests. (Signed) N. Fromentin.

[Translator's Note: The record ends here. Juan B. Garic, late husband of the defendant, was for years Greffier (clerk of the Court) under the French Regime and continued to hold the same position, Escribano, under the Spanish Domination, until his death. His private affairs were left in a very bad condition for his Widow to try to straighten out. This is one of many suits entered against Mrs. Garic, and Juan B. Garic's estate.—L. L. P.]

July 12.

**Nicolas Fromentin vs.
Francisco Camanada.**

No. 3029. 7 pp.

Court of Governor
Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt represented by a note follows the usual procedure in such cases. After the validity of the debt is established, a Writ of Execution is issued by the Court, and two lots of ground owned by the plaintiff are seized and ordered sold at public auction to satisfy the debt. No bids were offered when the first auction of the lots was held, and a second call for the sale was ordered. The present record ends here, before the proceeding is finished. It is probable that the case was then settled out of court.

The defendant's Deposition.

In the city of New Orleans, on the said day, month and year (July 12, 1785), the Escribano, in virtue of the commission conferred upon him, received Francisco Camanado's oath which he made by God, Our Lord, and a Sign of the Cross, under charge of which he promised to speak the truth, and when examined upon the contents of the foregoing petition, and the note presented on page 1 having been shown him, he said the signature at the end

Nicolas Fromentin states that it is evident from the note, duly presented (not included in the record), that Francisco Camanada owes him 325 pesos at date of maturity, and although he has reminded him several times, he has not been able to obtain payment, therefore he prays the Court to order the defendant to verify his note and signature, under oath, and done, deliver his deposition to him to enforce his rights. Governor Miro, on Assessor Postigo's advice, rules: Let the defendant verify, swear and declare to the contents of this petition; entrust the taking of his deposition to the Escribano, and done, deliver it to the plaintiff.

of it is his and the one he is accustomed to make, and that it is true he owes the amount specified therein. This is the truth, under charge of his oath, he is 60 years old, and he signed, to which the Escribano attests. (Signed) Francisco Camanada; before Fernando Rodriguez, Clerk of the Court.

Nicolas Fromentin petitions for a Writ of Execution. Nicolas Fromentin alleges it is evident from the foregoing declaration that the defendant owes him

325 pesos, therefore he prays the Court to order a Writ of execution issued, in the customary way, against all or any of his property sufficient to cover the said sum, its one-tenth and costs. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 18, 1785, Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor of the Province, having seen these records, said he must order and does order issued a writ of execution against the person and estate of Francisco Camanada for the sum requested, its one-tenth and costs, caused or that may be caused up to the real and effective payment. This is his decree, thus he has ordered and signed. Fees Gratis. (Signed) Esteban Miro; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

The Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Francisco Camanada to pay Nicolas Fromentin, immediately, the sum of 325 pesos, its one-tenth and costs, which it is evident he owes him, and if he does not pay at once, take execution against his person and estate up to the real and effective payment of the said sum, its one-tenth and costs, as by decree rendered this day. Thus it is ordered. New Orleans, July 18, 1785. (Signed) Esteban Miro. By order of His Lordship. (Signed) Fernando Rodriguez, Clerk of the Court.

Service of the Writ.

In the city of New Orleans, on July 29, 1785, the Escribano went to Francisco Camanada's house to request him to pay Nicolas Fromentin, Deputy Sheriff, the sum of 325 pesos which is due him, and not having done so, nor shown any property to be seized, he took execution on two lots of ground belonging to him in this city, on Burgundy Street, and a gold watch, and left the writ open to attach other effects when ordered to do so. In testimony whereof he sets this down as a matter of record, to which he attests. (Signed) Fernando Rodriguez, Clerk of the Court.

Nicolas Fromentin petitions to have the lots cried for sale.

Nicolas Fromentin avers that two lots of ground on Burgundy Street have been seized, therefore he prays the Court to order them cried for sale, as the law

requires. Governor Miro, on Assessor's Postigo's advice, rules: As it is prayed.

1st Call for the sale of the lots.

In the city of New Orleans, on July 28, 1785, the Escribano, standing at the doors of his public office, by the voice of the public crier of this city, gave the first call for the sale of 2 lots of ground belonging to Francisco Camanada, situated on Burgundy Street, and although many persons were present, no bids were offered, so in testimony whereof he sets this down as a matter of record.

2nd and 3rd Calls.

tively, in the same words as above. The record ends here and is therefore unfinished.

July 15.

**Felix de Materre vs.
The Vincent Succession.**

No. 3083. 7 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt from the debtor's succession follows the usual procedure in such cases, where the debt is a privileged one. After the validity of the debt, based upon an unsettled account, is established in Court, it is ordered paid from the proceeds of the sale of the estate. The items listed in the account presented in the suit, and their prices, are interesting source material for the student of social and economic history of Spanish colonial Louisiana.

The second and third calls are made on August 8 and 16, respectively, in the same words as above. The record ends here and is therefore unfinished.

This suit begins with an extract from bookkeeping records, and reads:

Mr. Jean Vincent in account with Felix Dematerre.

Debit.

For the amount Mr. Jean Vincent owes to the private venture PV, of which I have held account for Mr. Pedesclaux' one-third for value in jewelry that Mr. Vincent has sold, belonging to the private venture..... 2933

To deduct the present credit 2087-18

Mr. Vincent owes me a balance of..... 845- 2 Liv.

Credit.

For the rental of a warehouse, or place to store the indigo, marked PV, for 17 months at the rate of 50 livres a month, due to Mr. Vincent..... 850

For the one-third of 1 piece of woolen cloth sold after the account was settled for this private venture. It contained 20 ells and realized 112 sols..... 37-10

For the one-third of 34 pairs of shoes, and 1 pair of children's shoes, sold to Mrs. Songy, of no value, from this same venture, at 10 sols.....	3- 6- 8
For the one-third profit to Mr. Vincent on the jewelry mentioned, at present debited.....	977-13- 5
For one-third of the product of a gold watch and chain given to the wife of the administrator of the St. Andre.....	219- 8
	2087-18

I certify that the present current account is correct and just, and amounts to eight hundred and forty-five livres two sols, Tournois, for which the succession of Mr. Jean Vincent is liable to me. New Orleans, April 30, 1785. (Signed) Felix Dematerre.

Mr. Vincent's receipt for the jewelry delivered to him.

margin PV:

Note of the effects delivered to me by Mr. Dematerre from the private venture, marked in the

29 pins made of brilliants.....	311- 5
5 St. Esprit.....	193-15
26 Rings for Mr. Ville Franche.....	210-10
3 watches with 2 chains.....	1975
1 pair of bracelets.....	125
2 gold thimbles.....	110
1 pair of gold ear rings.....	7-10

2933-

I certify the present to be true and amounts to the sum of two thousand nine hundred and thirty-three livres. New Orleans, March 31, 1783. (Signed) J. Vincent.

The plaintiff petitions to have his debt paid.

Felix Dematerre avers it is evident from the accounts duly presented, that the Juan Vincent estate owes him 169 pesos, and as all his property has been sold, and the product placed in the keeping of Joseph Montegut, his testamentary executor, he prays the Court to order the latter to pay him the amount stipulated. Alcalde Forstall, on Assessor Postigo's advice, rules: The account having been presented, let the widow of Juan Vincent verify it, and done, deliver her declaration to the plaintiff.

Mrs. Vincent's declaration.

In the city of New Orleans, on July 15, 1785, the Escribano, in virtue of the commission conferred upon him, received the oath of Feliciana Delile, widow of Juan Vincent, which she made by

God, Our Lord, and a Sign of the Cross, according to law, under charge of which she promised to speak the truth, and placing before her the account on page 1 and the certification on page 2, she said she did not know anything of the contents, but that the signature and writing on page 2 is that of her husband. This is the truth, under charge of her oath, she is 22 years old, and she signed, to which the Escribano attests. (Signed) Felicite Delile, Widow Vincent; before Fernando Rodriguez, Clerk of the Court.

The plaintiff again petitions to have his debt paid. Felix Dematerre states that, as may be noted from Mrs. Vincent's declaration, there is no doubt of the legitimacy of his debt, therefore he prays the Court to order the 169 pesos paid to him from the product of the sale of the estate, as this sum is lawfully due him. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Let the Juan Vincent succession pay Felix Mater (Dematerre) the sum of 169 pesos, because it is a privileged debt. (Signed) Forstall; Postigo.

Taxation of the costs of the case.
reales.

July 15.

**Antonio Cavalier vs.
The Juan Vincent Succession.**

No. 3012. 6 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit is brought against the same succession as the preceding one, the only

On October 19, 1785, Luis Lio-teau taxes costs at 4 pesos 6½

The first entry is a promissory note, reading:

In the current month of January of the year 1784, I will pay to the order of Mr. Belan the sum of two hundred piastres for a balance due on account. New Orleans, October 19, 1783. (Signed) J. Vincent. For 200 piastres.

Across the back is written: Bel-land to P. Miraval.

The second entry is a bill reading:

Mr. Vincent owes Pierre Miraval as follows, proceeding from the sale of the cargo of the ship, Navarre. Namely:
1783

Oct. 23. 16 quarters of Cof-fee, by note 2630 lbs. at 15 piastres 394-4

Oct. 19. Sugar moulds, by note 697 at 20 sols..... 139-3

difference being that this debt is not a privileged one. After the validity of the debt is established the Court orders it paid, in case there are any funds left to the succession after all the privileged debts have been paid.

The articles listed in the bill presented as a basis for the suit, and their prices, are of interest to the student of economic history of Spanish colonial Louisiana.

55 barrels of salt at 4 piastres 220-

753-7

Dec. 2. For the amount you have on account for me, (according to my receipt) 400

A balance remains 353-7

I certify the present account (to be correct), save error or omission. New Orleans, January 21, 1784. (Signed) P. Miraval.

Written across the back: Vincent

353-7
200

553-7

Antonio Cavalier petitions to be paid.

The plaintiff sets forth that it is evident from the account and note, duly presented, that the Juan Vincent succession owes him 553 pesos 7 reales, and whereas all of his estate has been sold, to be paid for within 10 months, which time expired in May, therefore he prays it may please the Court to order the executor and guardian of the estate to pay his debt. Nicolas Forstall, on Juan del Postigo's advice, rules: Let the note and account be verified by the widow of Juan Vincent; entrust the taking of her deposition to the Escribano, and done, deliver it to the plaintiff.

Mrs. Vincent's deposition.

In the city of New Orleans, on July 15, 1785, the Escribano, in virtue of the commission conferred upon him, received the oath of Feliciana Delile, widow of Juan Vincent, which she made by God, Our Lord, and a Cross, according to law, under charge of which she promised to speak the truth, and having shown her the note on page 1 and the account on page 2, she declared that the signature to the note that says Vincent is in her husband's hand-writing, but that she does not know whether it has been paid because Mr. Vincent never informed her of his business affairs. This is the truth, under charge of her oath, she is 22 years old, and she signed, to which the Escribano attests. (Signed) Felicite Delile, Widow Vincent; before Fernando Rodriguez, Clerk of the Court.

Antonio Cavalier petitions to be paid.

The plaintiff alleges that it is evident from the declaration of Feliciana Delile, widow of the late Juan Vincent, that the signatures at the end of the notes he has presented are those of her late

husband, therefore he prays the Court to order the sum he claims paid. Alcalde Forstall, on Juan del Postigo's advice, receives this petition, and later decrees:

Decree-

Whereas: Let the testamentary executor of Juan Vincent's estate pay Antonio Cavalier 200 pesos, in case any funds remain after the privileged debts are paid.

The record ends here.

July 16.

Francisco La Groue vs. Lorenzo Chouriac.

No. 123. 7 pp.

Court of Intendant
Martin Navarro.

Assessor,
Juan del Postigo.

Escribano,
Rafael Perdomo.

To collect a debt.

This suit to collect a sum due on an account follows the usual procedure in such cases. Apparently because the matter involved a commercial transaction, the suit is brought in the Court of the Intendant which had jurisdiction in all such cases.

The plaintiff petitions to have the defendant verify his debt.

ment that duly accompanies this petition, Lorenzo Chouriac owes him 221 pesos 4 reales, at date of maturity, and although he has instituted several suits, he has not been able to collect his money, therefore he prays the Court to order the defendant, under oath and without delay, to declare whether the signature that is at the end of the document is his, and whether he owes the amount specified, and when his declaration will have been made, deliver it to the petitioner to be used to enforce his rights. Intendant Navarro, on Assessor Postigo's advice, rules: The bill having been presented, let the defendant swear and declare to its contents, as requested; entrust the taking of his deposition to the Escribano, and done, let it be delivered to the plaintiff.

This suit opens with the presentation of a bill which forms the basis of the claim, and is as follows:

Mr. Chouriac owes Delagroue & Sourdain.

1785

Remainder of the 1st ac- count	96
May 7. 90 quarters to Goudron at	90
28 quarters to the same at 28	118
5 carts to the Bayou at 1 p. 4.	7-4

The above amount accepted for payment at two hundred and twenty-one piastres four reales 221-4

(Signed) Lzo. Chouriac.
New Orleans. July 10. 1785.

(Signed) E. G. Chevalier
New Orleans, July 10, 1785.

Luis de la Groue, who signs himself F. L. Delagroue, sets forth that it is evident from the docu-

his petition, Lorenzo Chouriac owes
of maturity, and although he has
not been able to collect his money,
to order the defendant, under oath
whether the signature that is at the
and whether he owes the amount
tion will have been made, deliver it
to enforce his rights. Intendant
o's advice, rules: The bill having
dant swear and declare to its con-
the taking of his deposition to the
delivered to the plaintiff.

Lorenzo Chouriac's declaration.

In the city of New Orleans, on July 18, 1785, the Escribano, pursuant to the foregoing decree, went to Lorenzo Chouriac's house to take his declaration as the said decree required, and having received his oath, which he made by God and the Cross, according to law, under charge of which he promised to speak the truth, and upon showing him the note on page 1, he said that the signature that gives value to it is his, and that it is true he owes the amount specified therein. He answered what he has declared is the truth, under charge of his oath, he is 60 years old, and he signed, to which the Escribano attests. (Signed) Lorenzo Chouriac; before Rafael Perdomo, Clerk of the Court.

The plaintiff petitions for a Writ of Execution.

Luis Delagroue avers that the defendant's declaration has been delivered to him, and whereas from this said declaration it is evident that he owes this debt, therefore he prays the Court to issue a writ of execution in his favor, against Mr. Chouriac's estate, sufficient to cover this debt. Martin Navarro, on Juan del Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 20, 1785, Martin Navarro, Intendant General of this Province, having examined these records, said that he must order and does order a writ of execution issued against the person and estate of Lorenzo Chouriac for the sum of 221 pesos 4 reales, its one-tenth and costs, caused or that may be caused up to the real and effective payment. This is his decree, thus he has ordered and signed. (Signed) Martin Navarro; Licenciado Postigo; before Rafael Perdomo, Clerk of the Court.

The plaintiff petitions to have the case dismissed.

Francisco Luis Delagroue states that he has settled his case out of Court, and considering that the defendant has paid the amount demanded, may it please His Lordship to order a taxation of the costs, and to declare the party who must pay them. Intendant Navarro, on Assessor Postigo's advice, accepts this petition, and later decrees:

Decree.

Whereas: These parties having settled their case, let the costs be taxed by Luis Lioteau, and paid by Lorenzo Chouriac. Fees 2 pesos. (Signed) Martin Navarro; Licenciado Postigo.

Notification, acceptance and oath.

On the same day (September 1, 1785), the Escribano personally notified Luis Lioteau of the foregoing decree, and he said he accepted and did accept, and swore by God and the Cross, according to law, to proceed well and faithfully with the taxation he

has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteau; before Rafael Perdomo, Clerk of the Court.

[Translator's Note: This record is in bad condition. The taxation of costs has evidently become detached and mislaid.
—L. L. P.]

July 16.

**Juan Bautista Macarty
vs. Francisca Voisin.**

No. 3068. 7 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt secured by a mortgage on two slaves follows the usual procedure. Prior to institution of the suit the note evidencing the debt had been transferred to a new holder. A Writ of Execution is issued against the property of the debtor, especially against the two mortgaged slaves, but the debt is settled out of Court before the Writ is served.

of the interested party, for the fulfillment of which she pledges her present and future estates, and inserts here the guaranty clause and renounces the laws in her favor with the general that prohibits it, and furthermore she mortgages with the promise not to alienate, two little mulattoes, her property, named Luis, aged 11 years, and Bazilio, aged 7, and these slaves must not be sold, nor in any manner alienated, until the real and effective payment of the aforesaid sum. Thus this act is executed and signed, the witnesses here present being Josef Becat, Manuel Galvez and Felipe Guinault, residents of this city. (Signed in the original) Voisin, Widow De Villiers; before Fernando Rodriguez, Notary Public.

The above agrees with the original, which was executed before me and remains in my possession and Archives, to which I refer, and upon the request of the party I give the present written

The first entry is a certified copy of a Notarial act of mortgage, and reads in part:

In the city of New Orleans, on May 6, 1784, before the undersigned Notary and witnesses, appeared Francisca Voisin, widow of Captain Baltasar De Villier (Villiers), who said she obligated herself to pay Julian Lesassier, in the month of February of 1785, the sum of 340 pesos that he has done her the favor to lend her without premium or interest, which sum she acknowledges to have received to her entire satisfaction, and because the Escribano was not present at the delivery he renounces the exception of non numerata pecunia, and authorizes a formal receipt for the said 340 pesos. Francisca Voisin obligates herself to pay fully, at the date specified, without any lawsuits, and to comply with her agreement to pay with this written instrument only, and the simple oath

on two sheets of paper, dated as above. Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

Cession.

The second entry is also a Notarial Act, which reads in part:

Know you to whom this letter comes that I, Julian Lesassier, resident of this city, declare that Francisca Voisin, widow of Captain Baltasar De Villiers, owes me the sum of 340 pesos, as appears from the written instrument drawn up by the present Escribano, dated May 6, 1784, and considering that Juan Bautista Macarty has supplied and lent me a like sum, which I acknowledge to have received, I transfer the said debt to him so that as his own and under the agreement and conditions of the aforesaid written instrument he may collect this payment in my place, and I give him the power that will be necessary to do so, without limitation, and for the fulfillment of which I obligate my present and future estate and insert here the guaranty clause and renounce the laws in my favor and in general that prohibits it. In testimony whereof this act is dated in New Orleans, on June 14, 1785, the witnesses here present being Adriano de la Place, Miguel de San Juan Gomez and Francisco Camenada, residents of this city. (Signed in the original) Julian Lesassier; before Fernando Rodriguez, Notary Public.

The above act agrees with the original passed before me, which remains in my possession and Archives, to which I refer, and on the request of the party I give the present on two sheets of paper, dated as above. Cross and Flourish. In testimony of the Truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

The plaintiff petitions for a Writ of Execution.

Juan Bautista de Macarty states that it is evident from the written instruments duly presented that Francisca Voisin, widow of Captain Baltasar De Villiers, owes him 340 pesos, and although he has reminded her politely several times, she has not paid him, therefore he prays the Court to order a writ of execution issued against all or any of her property, and especially against the two slaves mortgaged. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 18, 1785, Nicolas Forstall,

Senior Alcalde Ordinario of this city for His Majesty, having examined these records, said that he must order and does order a writ of execution issued against Francisca Voisin's property, and particularly against the two negroes mortgaged, for the sum of 340 pesos, the one-tenth of this debt, and costs caused or that may be caused up to the real and effective payment. For this is

his decree, thus he has ordered and signed. (Signed) Nicolas Forstall; Licenciado Postigo.

The Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Francisca Voisin to pay Juan Bautista Macarty, at once, the sum of 340 pesos that it is evident she owes, and if she does not pay immediately, take execution against all of her property and particularly against the two negroes mortgaged for her debt, sufficient for the real and effective payment of the aforesaid sum, its one-tenth and costs, as by decree rendered this day. Thus it is ordered. New Orleans, July 18, 1785. (Signed) Nicolas Forstall. By Order of His Honor. (The Escribano failed to sign.)

Fernando Rodriguez petitions for a taxation of costs.

Juan Bautista Macarty has prosecuted a case against Francisca Voisin to collect a debt, and against whom a writ of execution was issued, as requested, however she has paid her debt, therefore he prays the Court to order a taxation of costs made, and by whom they must be paid. Alcalde Forstall rules: As it is prayed; let the costs be taxed by Luis Lioteau.

Notification, acceptation and oath.

On the said day (August 5, 1785), the Escribano personally notified Luis Lioteau, Public Taxer, who said he accepted and did accept, and swore by God, Our Lord, and a Cross, to proceed with the taxation that he has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteau. Fernando Rodriguez does not sign.

Taxation of Costs.

On August 5, 1785, Luis Lioteau taxes costs at 6 pesos 2 reales.

July 18.

Maria Rene, Widow Soubis, petitions to sell some copper pots, and sailmaker's thimbles.

No. 3112. 5 pp.

Court of Alcalde
René Huchet De Kernion.

Assessor,
None named.

Maria Hanrieta Rene, widow of Juan Soubis (Soubie, or Souby), sets forth that at her husband's death there remained in the attic of her house a number of pots, and according to what she thinks, they belong to Mr. Esteve of Bordeaux. There are 85 of these copper pots with covers, in bad condition, many of them dented, besides, also belonging to the aforesigned, is a box of flints and a small box of sailmaker's thimbles, and because she has found them in this state, with no one to take charge of these effects, she prays the Court to order them sold at public auc-

**Escribano,
Fernando Rodriguez.**

This proceeding is brought to effect the sale of some articles found by a widow in the attic of her house after her husband's death. The Court orders the articles sold at public auction for the benefit of the absent owner. The articles in question and the prices they brought at auction afford some interesting source material for the student of economic history.

Fernando Rodriguez report.

In the city of New Orleans, on July 21, 1785, the Escribano, in virtue of the commission conferred upon him, went to the house of Maria Rene, widow of Juan Soubis, who placed before him a number of copper pots and their covers, some flints, and a box containing sailmaker's thimbles. He found the pots all dented and the rest in bad condition. This he sets down as a matter of record, and to which he attests. (Signed) Fernando Rodriguez, Clerk of the Court.

Decree.

New Orleans, July 21, 1785.
Whereas: the foregoing certification, together with what has been stated by Maria Rene, widow of Juan Soubis, proceed with the sale of the aforesaid property, after two public calls have been given; the present Escribano is commissioned to place the funds realized in the keeping of the Widow, and when the money is delivered to her she must give a receipt in due form, the costs of the case to be taken from the product of the sale. (Signed) De Kernion.

1st Public Call.

In the city of New Orleans, on the said day, month and year (July 21, 1785), the Escribano, by the voice of the public crier of this city, gave the first call for the sale of the pots, flints and thimbles stored in Maria Rene's house, and although many persons were present, no bids were offered.

2nd Public Call.

The sceond call was given on July 27, 1785.

The Auction Sale.

In the city of New Orleans, on July 28, 1785, the Escribano, in virtue of the commission conferred upon him, proceeded to the sale and adjudication of a lot of pots, thimbles and flints belonging to Mr. Esteve, a resident of Bordeaux, and by the voice of the public town crier, he called the sale, saying who will bid on 15 dozen copper pots with their covers, some flints and 20 sailmaker's thimbles, let him appear and his bid will be received, because the sale must be completed by 12 o'clock today to the person who will pay the most. At this stage Francisco Lascar

appeared and offered 20 pesos 6 reales for 12 copper pots and covers, and as this was the highest bid they were adjudicated to him for..... 20-6

Juan Bernard came forward and bid 19 pesos 2 reales for 12 pots with covers, and as this was the highest offer they were adjudicated to him for..... 19-2

There were many persons present and they asked to have all the entries put together, which was done, and Juan Durel, Jr., bid on the 13 dozen remaining, offering 18 pesos a dozen, and as this was the highest bid they were adjudicated to him for..... 234

Juan Morola bid on the flints, sailmaker's thimbles, several dozen buttons set in lead, 70 razors, useless, and 200 needles for mattresses, and as he was the highest bidder they were adjudicated to him for..... 26

300

At this stage because there was nothing more to be sold, the proceeding was ended, and the bidders paid cash for the effects, and in testimony whereof he signs and attests. (Signed) Fernando Rodriguez, Clerk of the Court.

The record ends here.

July 18.

**Santiago Tixeran and
Gulia, husband and wife,
free negroes, petition for
an extension of time.**

No. 3128. 1 p.

No Judge or Assessor
mentioned.

Escribano,
Fernando Rodriguez.

This petition by a man and wife, free Negroes, for an extension of two years in which to make payment of some debts which they owe, contains nothing of special interest. With the consent of the creditors, the Court grants the petition.

In the city of New Orleans, on July 18, 1785, I certify and attest that Francisca Grondel, Estevan Renos, Costanza Tixeran and Francisca, a free negress, known to me, presented themselves in my office and declared that Santiago, a free negro, and Julia, his wife, owe them the following sums:

To Francisca Grondel 56 pesos; to Constanza Tixeran 308 pesos; to Estevan Renos 70 pesos; and to Francisca, the free negress, 375 pesos; and considering that each one has brought suit to collect the amount due him, without success, owing to the poverty of Santiago and Gulis, husband and wife, they have agreed to grant them a two years' extension of time to pay the one-half of each debt, to which I attest. (Signed) Fernando Rodriguez.

July 20.

Sale of the property of Margarita Lasmuncau, widow of Mr. Cantrelle, made amicably with the consent of all the heirs.

No. 3062. 14 pp.

Court of Governor Esteban Miro.

No Assessor.

Escribano,
Fernando Rodriguez.

This Proceeding illustrates the procedure in settling a succession when all the heirs are of age and there is no disagreement among them. The household effects, kitchen utensils, linens, slaves, houses and lots in New Orleans, funeral expenses, etc., entered in the proceedings are of interest to the student of social and economic history of Spanish colonial Louisiana.

Public Call for the sale of Margarita Lasmuicau's estate.

Public Town Crier of this city, proclaimed in the customary places the sale of the estate left by Margarita Lasmuicau, Widow Cantrelle, the movables to be paid for in cash and the slaves and real property within one year. This is set down as a matter of record, to which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

Certification of the 2nd Call.

has been given as and in the same manner as the first. (Signed) Fernando Rodriguez, Clerk of the Court.

The Auction Sale.

virtue of the decree of Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor of the Province, dated the 20th of the current month, went to the dwelling house of Marguerite Larmuicau, Widow Cantrelle, and in the presence of

Miguel Cantrelle, Commander of the Coast of Cabanoce, Santiago Cantrelle, Maria Cantrelle, Widow Verrett, Luis Judice, as husband of Maria Juana Cantrelle, Juan Bautista Poeyfarre, as husband of Mariana Cantrelle, and Margarita Le Hou, Widow Roy, all heirs of the late Margarita Lasmuicau, widow of the deceased Santiago Cantrelle, present themselves before His Lordship and declare that they are over 25 years of age and desire to sell at public auction all the movable property, real estate, slaves and effects left by their mother, therefore they pray the Court to grant them the necessary permission to make the public calls for the sale at auction. (Signed) Jn Bta Poeyfarre; Miguel Cantrelle; J. Cantrelle; Maria Cantrelle, Widow Verret; Jeanne Cantrelle, Mrs. Judice; Marguerite Le Hou, Widow Roy. Governor Miro rules: As it is prayed.

In the city of New Orleans, on July 20, 1785, the Escribano certified that Antonio Escarrion, Public Town Crier of this city, proclaimed in the customary places the sale of the estate left by Margarita Lasmuicau, Widow Cantrelle, the movables to be paid for in cash and the slaves and real property within one year. This is set down as a matter of record, to which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

In New Orleans, on July 21, 1785, I attest that the second call has been given as and in the same manner as the first. (Signed) Fernando Rodriguez, Clerk of the Court.

In the city of New Orleans, on July 22, 1785, the Escribano, in virtue of the decree of Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor of the Province, dated the 20th of the current month, went to the dwelling house of Marguerite Larmuicau, Widow Cantrelle, and in the presence of

Miguel Cantrelle, Commander of the Post of Cabanoce, Santiago Cantrelle, Maria Cantrelle, Widow Verret, Luis Judice, representing Maria Juana Cantrelle, his wife, according to the power of attorney he has presented, executed before the Commander of La Fourche, to which the Escribano certifies, Juan Bautista Poeyfarre, as husband of Mariana Contrelle, and Margarita, Widow Roy, all heirs of the late Margarita Larmusicau, proceed to sell the estate left by her, in the following manner. The Crier called the articles to be sold for cash.

First, a large earthen jar sold to Mr. Birote as the highest bidder for	19-4
2 pairs of sheets to Santiago Verret for.....	22
2 pairs of sheets to Mr. Dubrocar.....	18
2 pair of sheets to Mr. Brocard.....	15
1 dozen table napkins adjudicated to Mrs. Judice for	7
1 dozen table napkins sold to Mr. Brocard for.....	10
1 dozen table napkins to Mr. Pau.....	8
2 table cloths to Santiago Verret for.....	4
1 bed with a mosquito bar, cot, mattress and covers adjudicated to Miguel Cantrelle for.....	58
1 bed with what belongs to it to Mrs. Judice for.....	36
1 cypress armoire sold to Mr. Jons (Jones)	25-5
1 day bed adjudicated to Mr. Jons for.....	13-4
10 straw chairs and 2 arm chairs Sold to Santiago Verret for	12
1 walnut table sold to Mr. Dubrocar for.....	4-4
1 pair of candlesticks sold to Miguel Cantrelle for.....	8
6 cups, 1 sugar bowl and 1 butter dish to Widow Verret	2-4
2 cypress tables to Juan Monqui.....	2
1 pair of chimney irons, shovel and tongs to Mrs. Judice for	8
1 pair of chimney irons and a shovel to Mr. Dubrocar	6
1 pair of irons to iron (Clothes) to Juan Maqui.....	3-4
2 large pots sold to Santiago Verret.....	2
2 small pots sold to Miguel Cantrelle for.....	2-4
3 frying pans and some cake pans to Mrs. Judice for	2-4
4 spoons, 3 forks, 4 very small spoons for coffee all sold to Miguel Cantrelle.....	37
1 large coffee pot adjudicated to Mrs. Verret for.....	3-4
1 dozen dishes adjudicated to Mr. Blanchard for.....	5-4
10 pitchers and 10 platters sold to Mr. Judice for.....	7
3 soup tureens sold to Miguel Cantrelle for.....	2-4
6 tubs with stands sold to Miguel Cantrelle for.....	5
4 buckets, 2 cups, 1 salad bowl, 2 dishes for gravy sold to Miguel Cantrelle for.....	2-2
Some wine bottles, 6 knives, 3 lead spoons sold to	

Mr. Blanchard for 1 large dinner table adjudicated to Mr. Dubrocard for	4
3 curtains and 5 barrels sold to Mr. Durel for	3
2 large earthen jars and some tubs to Mr. Verret for	8-2
1 large chair with a urinal sold to Mr. Poeyfarre for	6
1 armoire and 1 mosquito bar sold to Mr. Verret for	4
The sale of the slaves was called with one year to pay.	16
Firstly, a negro named Diguien, aged 60 years adjudicated to Santiago Cantrelle for	299
A negro named Francisco, aged 22, sold to Santiago Cantrelle for	950
A mulatto named Juan, aged 18, sold to Miguel Cantrelle for	910
A griffe named Julian, aged 15, sold to Santiago Cantrelle for	810
A little negro named Bautista adjudicated to Mr. Jons for	605
A negress named Maria, aged 17, sold to Mrs. Verret for	900
A little negress named Juana, aged 4, adjudicated to Miguel Cantrelle for	215
A negress named Naneta promising 500 pesos for her redemption, to which the interested parties consented, obligating themselves to draw up her act of emancipation for the abovesaid sum	500
Another negress named Fanchon, aged 45 years, that the heirs said they would liberate, with conditions gratis, and for this reason she must serve one year with Santiago Cantrelle, when they obligated themselves to pass her act of emancipation	000
A negro named Roche, age 55, with hernia, adjudicated to Miguel Cantrelle for	275
Sale of the houses	
A house was placed on sale, on Royal Street, adjoined on one side by that of Madgelena Tatin and on the other by a house belonging to this succession, built on a lot of ground measuring 38 feet front by 120 deep, which after several bids was adjudicated to Miguel Cantrelle and Juan Bautista Poeyfarre, jointly, for	2801
A house built on a lot of ground measuring 50 feet front on Royal Street by 120 deep, adjoined on one side by the aforementioned house and on the other by one belonging to Antonio Dejan, which was sold to Miguel Cantrelle and Juan Bautista Poeyfarre, jointly, as the highest bidders, for	3312

The negroes and real property to be paid for within one year.

At this stage, because there was no more property to be sold, belonging to the succession, according to the declaration of the parties, the proceeding was concluded and the heirs signed, to which the Escribano attests. Signed by all the aforesigned heirs, before Fernando Rodriguez, Clerk of the Court.

Debts due the succession.

In the city of New Orleans, on
July 22, 1785, Miguel Cantrelle,

Juan Bautista Poeyfarre, Santiago Cantrelle, Maria Cantrelle, Widow Verret, Maria Juana Cantrelle, by power of attorney, and Margarita Le Hou, Widow Roy, declare that the succession of their mother, Margarita Larmuicau, Widow Cantrelle, was a creditor for the following entries that form a part of the body of her estate.

Estevan Leblanc owes for a plantation measuring
7 arpents 23 toises at the coast of Cabanoce..... 780

Mr. Luis Judice, Jr., owes for a pump chain and a
silver cup..... 9

Santiago Cantrelle owes for a remainder on an
account due the succession..... 9

Mrs. Verret owes 320 pesos that she has received
more than the other heirs, which she must pay back to
the body of the estate..... 320

Andres Flaque owes on a note and for lodgings in
the big house belonging to the succession, in which he
lived, amounting to..... 47

Miguel Cantrelle owes 22 pesos for the hire of a
negro for 5 months..... 22

The debts amount to the sum of 1228 pesos, which
will be added to the mass as soon as collected, for the
partition. The heirs also declare that Miguel Cantrelle,
Commander at Cabanoce, an heir, who is in charge of
the collections and payments for the succession, has paid
from the funds, as follows:

Firstly, to the Escribano, according to an agreement made by him with all the heirs, the sum of 110 pesos, for his fees, and also a payment to the town crier, for which a receipt has been given.....	110
To Francisco Durel for candles for the funeral.....	17-5
To Mr. Profit on his note.....	121-5 $\frac{1}{2}$
To Santiago Le Duc, surgeon, according to his receipt	32-4
To the carpenter who has built a small house, accord- ing to his bill.....	75
To Andres Chiloque.....	2

To the Capuchins for interment.....	42-2
To those who had charge of the body for burial.....	2
For the coffin.....	6
To the free negress, Marion, for her care and attention during the illness of the deceased.....	12
To Francisco Mayronne for a pew in the Church..	2-4

These entries amount to the sum of 430 pesos 4½ reales, which Miguel Cantrelle has paid, that must be remembered in the accounting he will give. The heirs signed, to which the Escribano attests. (Signed) Miguel Cantrelle; Marianne Cantrelle; Marguerite Le Houx; Paillet, as witness for Maria Juana Cantrelle; before Fernandez Rodriguez, Clerk of the Court.

The record ends here.

July 21.

**Francisco Lioteau vs.
Francisco Camanada.**

No. 3047. 6 pp.

Court of Governor
Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt secured by mortgage on a lot in New Orleans contains nothing unusual in the matter of procedure. The Court issues a Writ of Execution, and orders the lot seized and sold at public auction to satisfy the debt. The record, as here presented, ends before sale of the lot, which would seem to indicate that the matter was settled out of Court.

in a special manner he obligates and mortgages, with the agreement not to alienate, a lot of ground situated at the corner of Burgandy and Conti, adjoined on the two sides by the real property belonging to the aforesigned, which he must not sell nor alienate until the effective payment of the said sum. Thus it is executed and signed, the witnesses, here present, being

This suit is opened with a certified copy of an act of mortgage, which forms the basis of the claim, and reads in part:

In the city of New Orleans, on April 6, 1784, before the undersigned Notary and witnesses, appeared Francisco Camanada, who declared that he obligated himself to pay Francisco Lioteau the sum of 130 pesos that he lent him as a favor and without premium or interest, to be paid within three months counted from this day, which sum he acknowledges to have received, and because the Escribano was not present at the delivery, he renounces the exception of non numerata pecunia, and draws up a formal receipt. He promises to pay this amount on the date specified, without a lawsuit, etc., and for the security of which he mortgages his present and future estates, and inserts here the guaranty clause and renounces the laws in his favor, with the general that prohibits it, and

Joseph Becat, Santiago Lemarie and Juan Gomez, residents of this city. (Signed in the original) Francisco Caminada; before Fernando Rodriguez, Notary Public.

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The plaintiff petitions for a Writ of Execution. Francisco Lioteau sets forth

instrument, duly presented, that Francisco Camanada owes him 130 pesos at date of maturity, and whereas he has reminded the defendant several times of his debt but has not been able to collect his money, therefore he prays the Court to order a Writ of Execution issued against all or any of Mr. Camanada's property, and especially the lot of ground mortgaged for the security of the debt, and he swears by God, Our Lord, and a Sign of the Cross, in conformity to law, that this amount is due and has not been paid. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 22, 1785, Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor of the city and Province, having examined these records, said that he must order and does order a writ of execution issued against Francisco Camanada's property for the sum of 130 pesos, its one-tenth and costs, caused or that may be caused up to the real and effective payment. For this is his decree, thus he has provided, ordered and signed. (Signed) Esteban Miro; Licenciado Postigo.

Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Francisco Camanada to pay Francisco Lioteau, immediately, the sum of 130 pesos that it is evident he owes, and if he does not pay at once, take execution against his person and estate sufficient to pay the said sum, its one-tenth and costs, as by decree rendered this day. Thus it is ordered. New Orleans, July 22, 1785. (Signed) Esteban Miro. By Order of His Lordship. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on July 23, 1785, before the Escrihano appeared Nicolas Fromentin, Deputy Sheriff, and he said that, in virtue of the Writ on the reverse side of this page, he requested Francisco Camanada to pay Francisco Lioteau the sum of 130 pesos, and when he did not do so, he seized a lot of ground in this city at the corner of Burgundy and Conti, and in testimony whereof he sets this down as a matter of record, to which the Escribano attests. (Signed) Nicolas Fromentin; before Fernando Rodriguez, Clerk of the Court.

Francisco Lioteau petitions to have the lot of ground that has been seized cried for sale.

The Plaintiff avers that a lot of ground at the corner of Burgundy and Conti, has been seized,

therefore he prays the Court to order it cried for sale, as the law requires. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

The record ends here.

July 21.

**The Arnau(d) heirs vs.
Widow Goiclin.**

No. 2978. 4 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt due to the heirs of a succession contains nothing unusual in legal procedure. After the validity of the debt is established, a Writ of Execution is issued and the Sheriff is directed to seize enough of the property of the debtor to satisfy the debt. The record, as it stands here, ends before the proceeding is completed.

Fernando Rodriguez' certification.

Pursuant to the foregoing decree, the Escribano certifies and attests that on examining the records of the sale of the property of Agata Lacrois, Widow Arnaud, that Mrs. Goslin owes for various articles adjudicated to her amounting in all to 311 pesos 6 reales. New Orleans, July 21, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

Pedro Bertonière petitions for a Writ of Execution.

Pedro Bertonière avers that it is evident from the certification placed at the end of this petition that Widow Goslin owes the Agata Lacrois Arnaud estate 311 pesos 6 reales, the full amount for several effects and livestock adjudicated to her as the highest bidder, and although he had reminded her several times to pay, she has not done so, therefore, because executive merits result in his favor, he prays the Court to order a Writ of Execution issued against any and all of the defendant's

property sufficient to cover the full amount, its one-tenth and costs. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Senior Alcalde Ordinario of this city, having examined these records, said that he must order and does order a Writ of Execution issued against Widow Goslin's estate for the sum of 311 pesos 6 reales, its one-tenth and costs, caused or that may be caused up to the real and effective payment. This is his decree, thus he has ordered and signed. Fees 12 pesos. (Signed) Nicolas Forstall; Licenciado Postigo.

The Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Widow Goselin to pay the heirs of the late Francisco Arno(ud) the sum of 311 pesos 6 reales, immediately, which it appears she owes, and if she does not do so at once, seize all or any of her estate sufficient to pay the said sum, its one-tenth and costs, caused or that may be caused, as by decree rendered this day. Thus is has been ordered. New Orleans, July 23, 1785. (Signed) Nicolas Forstall. By Order of His Honor. (Signed) Fernando Rodriguez, Clerk of the Court.

The Deputy Sheriff's report.

In the city of New Orleans, on the said day, month and year (July 23, 1785), before the Escribano appeared Nicolas Fromentin, Deputy Sheriff, and he said that in virtue of the Writ on the reverse side of this page, he requested Widow Goslin, who lives one league from this city, on the other side of the river, to pay the Arnaud heirs the sum of 311 pesos 6 reales, and because she did not do so, he seized a chair and in testimony whereof he asked the Escribano to set this down as a matter of record, to which he attests. (Signed) Nicolas Fromentin; before Fernando Rodriguez, Clerk of the Court.

The record ends here.

July 29.

**Miguel Fortier and
Alexo Reau vs. Juan
Gabrel (Gravier).**

No. 3032. 4 pp.

Court of Alcalde
Nicolas Forstall.

The first entry is a certified copy of the obligation that forms the basis for the suit and reads:

In the city of New Orleans, on December 14, 1784, before the Escribano appeared Juan Gabriel (Gravier), known to the aforesaid Escribano, and he said that he obligated himself to pay Miguel Fortier and Alexo Reau, within 6 months counted from October 10th of this year, the sum of 372 pesos, the purchase price of a

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

To collect a debt.

This suit to collect a debt secured by a mortgage on a Negro slave presents no unusual features in procedure. The debt is verified, and a Writ of Execution is issued. The record, as it stands here, is incomplete, indicating that the case may have been settled out of Court.

negro sold to the constituent, and for the fulfillment of which he mortgages his present and future estates and especially the negro named Beque, aged 12 years. Thus this act is drawn up and signed, the witnesses here present being Joseph Becat, Luis Lioateau and Santiago Lemelle. (Signed in the original) Juan Gravier; before Fernando Rodriguez, Notary Public.

The above conforms to its original, which was executed before me and remains in my keeping and Archives, to which I refer, and upon the request of the party I give this in New Orleans, on July 29, 1785. Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

The plaintiffs petition for a Writ of Execution.

Miguel Fortier and Alexo Reau, residents of this city, through a Public Attorney, set forth that it

is evident from the certified copy duly presented that Juan Gravier owes them 372 pesos at date of maturity, and because of executive merits that result in their favor, may it please the Court to order a Writ of Execution issued against all or any of the defendant's property sufficient to pay the debt, its one-tenth and costs, and they swear by God and a Sign of the Cross, in conformity to law, that the sum specified is due and has not been paid. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees.

Decree.

In the city of New Orleans, on August 1, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde of this city for His Majesty, having examined these records, said that he must order and does order a Writ of Execution issued against the person and estate of Juan Gabriel for the sum of 372 pesos, its one-tenth and costs, caused or that may be caused, for this is his decree, so he has ordered and signed. (Signed) Nicolas Forstall; Licenciado Postigo.

Fernando Rodriguez petitions for a taxation of costs.

Fernando Rodriguez, Notary Public and Clerk of the Court, appeared before Nicolas Forstall and

said that a suit had been prosecuted by Miguel Fortier and Alexo Reau against Juan Gabriel in this Court, to collect a debt, therefore he prays the Court to order the costs taxed, and paid by the one liable for same. The Court rules: Let the costs be taxed, and paid by Juan Gravier. The Public Taxer must first accept and take oath. This ruling is unsigned.

Notification, acceptance and oath.

notified Luis Lioteau, Public Taxer, of the foregoing decree, and he said he accepted and did accept, and swore by God, Our Lord, and a Sign of the Cross, in conformity to law, to proceed well and faithfully with the duties of his charge, and he signed, to which the Escribano attests. This entry is also unsigned, and the record ends here.

July 29.

**Agata, Juana Francisca,
and Maria Adelayda
Lemelle petition to be
declared competent and
authorized to administer
their own affairs.**

No. 3052. 8 pp.

Court of Alcalde
Nicolas Forstall.

Assessor,
Juan del Postigo.

Escribano,
Fernando Rodriguez.

This procedure, brought for the emancipation of three minors, all free negroes, follows the procedure employed in similar cases brought for the emancipation of white minors. After the ages of the minors have been verified by presentation of their baptismal certificates, and competent witnesses have testified to their ability to manage their property without the necessity of a curator, and to their good character, etc., the Court issues the decree of emancipation.

Entry.

seventh of November, I, the undersigned, have baptized, with the ordinary ceremonies of the Church, Maria Adelaide, born the eleventh of October of the present year, of Jacqueline, a mulattress slave of Mr. Lemelle; this child was declared free by Mr. Lemelle, her master, and of an unknown father. The god-father was Mr. Carmuche, a merchant, and the god-mother was Miss Marie Braux, who signed with me on the day and year as above. (Signed) Father Dagobert; Marie Braud; Lemelle.

On the said day, month and year
(August 14, 1785), the Escribano

The petitioners present their baptismal certificates which are as follows:

I, Father Antonio de Sedella, Capuchin monk, Vicar General of the Province of Louisiana and Parish Priest of the Church of St. Louis of New Orleans, certify in due form that in one of the Books of Baptisms in my charge, on page 23, there is an entry of the following tenor:

In the year one thousand seven hundred and seventy-one, on the

This conforms to its original which remains in the books of this Parish, to which I refer, and to which I attest. New Orleans, on the twenty-sixth day of the month of July, of the year one thousand seven hundred and eighty-five. (Signed) Fr. Antonio de Sedella. (Official Seal.)

Jeanne Francoise's Baptismal Certificate.

I, Father Antonio de Sedella, Capuchin monk, Vicar General, ad interim, of the Province of Louisiana and Parish Priest of the Church of Saint Louis of New Orleans, certify in due form that in one of the Books of Baptisms, on page 58, there is an entry of the following tenor:

Entry.

In the year one thousand seven hundred and sixty-nine, on the seventh day of Septemer, I, the undersigned, baptized, with the ordinary ceremonies of the Church, Jeanne Francoise, born the fourteenth day of the month of August of the present year, of Jacqueline, a mulattress, a slave of Mr. Lemelle, the master, who has declared to me that he wishes the said Jeanne Francoise to be baptized as free. The god-father was Mr. Jean Baptiste Francois de Macarty and the god-mother was Miss Jeanne Francoise de Macarty, who signed with me, the day and year as above. Father Dagobert, Parish Priest; Macarty; Le Bretton; Lemelle.

This agrees with its original, which remains in the books of this Parish Church, to which I refer, and to which I attest. New Orleans, on July the twenty-sixth of the year one thousand seven hundred and eighty-five. (Signed) Father Antonio de Sedella. (Official Seal.)

Agata Lemelle's Baptismal Certificate.

I, Father Antonio de Sedella, Capuchin monk, Vicar General, ad interim, of the Province of Louisiana and Parish Priest of the Parish Church of Saint Louis of New Orleans, certify in due form that in one of the Books of Baptisms of the said Parish Church in our charge there is an entry, on page 30, of the following tenor:

Entry.

In the year one thousand seven hundred and sixty, on the fifth day of May, we, the undersigned Capuchin Priest, and Apostolic Missionary, have baptized with the ordinary ceremonies of the Church, Agathe, a mulattress, born yesterday, of Jacqueline, a mulattress slave of Mr. Lemelle, Jr., and she had for her god-father, Charles Le Conte, a merchant of this city, and for her god-mother, Catherine Moreau, who have signed, and in faith of which I sign, the day, month and year, as above. This child has ben declared free to us by Mr. Lemelle, the master of Jacqueline, his slave. In faith of which we have signed. Father Dagobert, Parish Priest; Father Eustache, Capuchin; Lemelle; Charles Le Conte; Moreau Olivier.

This agrees with its original, that remains in the books of this Parish Church, to which I refer, and to which I attest. New Orleans, on July eighth of the year one thousand seven hundred and eighty-five. (Signed) Father Antonio de Sedella. (Official Seal.)

Agatha, Juana Francisca and Maria Adelaida Lemelle petition to present witnesses.

Agatha, Juana Francisca and Maria Adelaida Lemelle, free mulattress, less than twenty-five years of age, and more than fourteen, as their Baptismal Certificates, duly presented, prove, set forth that it is convenient to them to present witnesses who will testify to their good conduct and that they are capable to work and make their own living and to increase the business they have entered, and done, deliver these depositions to them to use for their rights. Alcalde Forstall, on Assessor Postigo's advice, rules: The Baptismal Certificates having been presented, let the testimony be received that these parties offer. Entrust the taking of the depositions to the Escribano, and done, deliver them to the petitioners.

Declaration of the 1st witness.

In the city of New Orleans, on the said day, month and year (July 29, 1785), Agatha, Adelaida and Juana Francisca Lemelle, for the testimony they have offered and have been ordered to give, presented as a witness Antonio Planchard, from whom the Escribano, in virtue of the commission conferred upon him, received the oath, which he made by God, Our Lord, and a Sign of the Cross, according to law, under charge of which he promised to speak the truth, and when examined on the tenor of the foregoing written petition, he said that he knew the parties presenting him to be persons known for their good conduct, and capable to possess and administer their estate without the necessity of a curator, which is well known to the witness because he lives next to them. This is the truth, under charge of his oath, he is 50 years of age, and he signed, to which the Escribano attests. (Signed) De Planchard.

Declaration of the 2nd witness.

Pedro Labatte (Labat), under oath, states that he is an immediate neighbor of the petitioners and knows them to be persons well known for their good conduct and capable to possess and manage their estate without a curator.

Declaration of the 3rd witness.

Andres Dumont, under oath, testifies that he knows the parties presenting him to be persons of good conduct, capable of possessing and administering their own affairs without a curator.

Agatha, Juana Francisca and Maria Adelaida Lemelle petition to be emancipated.

The three petitioners, free mulattresses, aver that, as may be noted from the testimony of the witnesses they have duly presented, they are capable of managing

their own affairs, therefore they pray the Court, after examining the said testimony, to emancipate them and to concede to them sufficient authority to manage their own affairs. This petition is signed Agathe Lemelle; Adeliade Lemelle; Jeanne Françoise Lemelle. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees.

Decree.

Regidor Perpetuo and Senior Alcalde Ordinario of this city and its jurisdiction for His Majesty, having examined these records, said that he must declare and does declare, as sufficient, the testimony given for Agueda, Adelayde and Juana Francisca Lemelle, and orders that the aforesigned be emancipated, stating that they are able and capable to trade and make contracts that may be convenient to them. This is his decree, thus he has ordered, provided and signed. Fees 3 pesos, received. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

The record ends here.

July 30.

Executory Process. Josef Diaz vs. Antonio Blanc.

No. 78. 9 pp.

Court of Governor
Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Rafael Perdomo.

To collect a debt.

This suit to collect a debt by executors follows the usual procedure in such cases. The debt is verified and a Writ of Execution is issued, ordering the seizure of funds due the defendant but in the hands of a third party. But this seizure is cancelled, the debt probably having been settled out of Court.

(This note is for) 1250 pesos.

I have delivered 100 pesos to his manservant's wife, from June 1, 1781 up to May 1, 1782, in virtue of his order, which

In the city of New Orleans, on
August 9, 1785, Nicolas Forstall,

This suit begins with the filing of a certified copy of the registration of a written instrument, which reads:

In the city of New Orleans, on January 22, 1785, before the undersigned Notary and witnesses, appeared Josef Diaz, a resident of this city, and he said that it is convenient to his right to register in the Escribano's copy book a paper of the following tenor:

By this I will pay to Vicente Francisco Vidal, or his order, the sum of 1250 pesos for value received from the said gentleman, in cash, that he has supplied me, which I will pay according to the orders communicated to me, and for the security of this debt, and its due fulfillment, I obligate my present and future estates, and I sign this in duplicate, in Mexico, June 11, 1781. The witnesses were Manuel Rodriguez and Pedro de Blaganon. (Signed) Antonio Blanc.

brings the amount to 1350 pesos. I drew a draft for 600 pesos against him for a like sum he had here, which leaves a balance of 750 pesos. This 750 pesos remaining will be paid to the order of Manuel Garcia Romay, a resident of Vera Cruz, Mexico, June 9, 1784. (Signed) Vizente Francisco Vidal.

The sum of 750 pesos specified on the reverse side (of this note) must be paid to Josef Diaz, a resident of New Orleans. Vera Cruz, November 14, 1784. (Signed) Manuel Garcia Romay.

This conforms to the paper registered, which I returned to the party in the presence of Antonio Blanc, who said that by agreement with Josef Diaz he obligated himself to pay the said sum of 750 pesos in full, within six months counted from this day, without a lawsuit, and for the fulfillment of which he obligates his present and future estate and inserts here the guaranty clause and renounces the laws in his favor with the general that prohibits it, and they signed, the witnesses here present being Adriano de la Plaza, Josef Becat and Santiago Guinault, residents of this city. The Escribano testifies that he knows the constituents. (Signed) Antonio Blanc, Sr.; Josef Diaz; before Fernando Rodrigues.

This conforms to its original, which was executed before me and remains in my keeping and Archives, to which I refer, and upon the request of the party I give the present written on three sheets of this ordinary paper, stamped paper not being used here. New Orleans, June 2, 1785. Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

Josef Diaz petitions for a Writ of Execution.

Josef Diaz, a resident of this Port and city, sets forth that, as may be noted from the document duly presented, Antonio Blanc owes him 750 pesos which he agreed to pay within six months, as may be proven from the aforementioned instrument. He has reminded him politely several times to pay, which he has not done, therefore he prays the Court to order a Writ of Execution issued against Mr. Le Blanc's person and estate for the full amount, its one-tenth and costs. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on August 1, 1785, Esteban Miro, Colonel of the fixed regiment of this Place and Governor ad interim here, having seen the records, said that he must order and does order a writ of execution issued against the person and estate of Antonio Blanc for the sum of 750 pesos, its one-tenth and costs, caused or that may be caused up to the full and effective payment. For this is his decree, thus he has ordered, provided and signed. Fees 2 pesos. (Signed) Esteban Miro; Licenciado Postigo; before Rafael Perdomo, Clerk of the Court.

Marginal note.

A marginal note stipulates that the writ of execution that was ordered by the foregoing decree has been issued and delivered to the party, to which the Escribano attests. (Signed) Perdomo.

The Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Antonio Blanc to pay Josef Diaz the sum of 750 pesos, and if he does not pay the said sum, at once, together with its one-tenth and costs, take execution against his person and estates, making a formal seizure of them, placing them in charge of the General Receiver, as by decree rendered this day on the advice of the Assessor General. For thus it is decreed. New Orleans, August 29, 1785. (Signed) Esteban Miro. By Order of His Lordship. (Signed) Rafael Perdomo, Clerk of the Court.

The Deputy Sheriff's report.

In the city of New Orleans, on January 18, 1786, before the Escribano, appeared Nicolas Fromentin, Deputy Sheriff, and he said that with the Writ of Execution on the reverse side of this page, he requested Antonio Blanc to pay, and he answered that he had paid Josef Diaz the amount stipulated, and he asked me to set this down as a matter of record, which he signed and to which the Escribano attests. (Signed) Nicolas Fromentin; before Rafael Perdomo, Clerk of the Court.

Josef Diaz petitions for the seizure of 600 pesos belonging to the defendant.

The plaintiff avers that the defendant is indebted to him for 590 pesos which he promised to pay from the sale of one-half of a tannery and negroes belonging to Pedro Miraval, that was made several days ago, and whereas the defendant is a preferred creditor from the product of the sale for 2000 pesos because of the supplies he has furnished the tannery, therefore he prays the Court to order a seizure of 600 pesos in the possession of Andres Duclos and Francisco Isnar, proceeding from the said sale, as he does not know of any other property belonging to him. Governor Miro, on Assessor Postigo's advice, rules: Notify Antonio Duclos and Francisco Isnar to retain in their possession the sum of 600 pesos from the sale of the negroes and tannery that was sold at public auction, belonging to Pedro Miraval and Antonio Blanc.

Seizure.

In the city of New Orleans, on the said day, month and year, the Escribano went to the dwelling houses of Andres Duclos and Francisco Hisnard, residents of this city, to notify them of the contents of the foregoing decree, and they informed him that they obligated themselves to retain the 600 pesos remitted to them from the sale of the negroes of Pedro Miraval's tannery, by way of deposit, at the disposition of this Court, and in testimony

whereof they signed, to which the Escribano attests. (Signed) Duclos; Francois Hinard; before Rafael Perdomo, Clerk of the Court.

Jose Diaz petitions to raise the interdiction.

cisco Isnar to retain 600 pesos in their possession, resulting from the sale of Pedro Miraval's property and he now prays His Lordship to raise the interdiction or embargo placed upon this sum, as convenient to his right. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed. Let Andres Duclos and Francisco Isnar be notified.

The record ends here.

July 30.

Testimony produced for Juan Bautista Legret to accredit him with being a resident of this Port and city.

No. 84. 11 pp.

Court of Governor Esteban Miro.

Assessor,
Juan del Postigo.

Escribano,
Rafael Perdomo.

This procedure appears to be a sort of process to naturalize a foreigner residing in New Orleans. After the petitioner produces witnesses to prove that he has resided in New Orleans as a merchant for three years and has established a record for good conduct, the Court decrees him a citizen and resident of New Orleans and grants him the privileges that are conceded to all other inhabitants and merchants of New Orleans.

Testimony of the 1st witness.

30, 1785), Juan Bautista Legret, for the testimony he has offered and has been ordered to give, presents as a witness Antonio Cavalier, a resident of this city, from whom the Escribano received the oath, which he took by God and the Cross, according to law,

The Plaintiff states that at his request it has pleased the Court to order Antonio Duclos and Francisco Isnar to retain 600 pesos in their possession, resulting from the sale of Pedro Miraval's property and he now prays His Lordship to raise the interdiction or embargo placed upon this sum, as convenient to his right. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed. Let Andres Duclos and Francisco Isnar be notified.

The petitioner alleges that it is convenient to him to prove that he has been a resident of this city for three years, has engaged in commerce here, and as such he has been received among the people, and that he also professes the Catholic, Apostolic and Roman religion, therefore he prays the Court to receive the testimony of the witnesses he will present, who under oath and without delay will swear to the tenor of this petition, and done, order their depositions delivered to him, so that upon seeing them he may promote what is suitable to his rights. Governor Miro, on Assessor Postigo's advice, rules: Receive the testimony that this party offers; entrust the taking of the depositions to the Escribano, and done, deliver them to the petitioner.

In the city of New Orleans, on the said day, month and year (July 30, 1785), Juan Bautista Legret, for the testimony he has offered and has been ordered to give, presents as a witness Antonio Cavalier, a resident of this city, from whom the Escribano received the oath, which he took by God and the Cross, according to law,

under charge of which he offered to speak the truth, and when examined upon the tenor of the foregoing written petition, he said that he has known the party presenting him for many years, that a friendship existed between them as neighbors, that he takes part in the commerce of the city, and that he also professes the Catholic, Apostolic and Roman Religion, he practises many acts of virtue and belongs to the congregation of faithful Christians, and he has never heard anything said against him to the contrary. He answered that what he has declared is the truth, under charge of his oath, he is 40 years of age, and he signed, to which the Escribano attests. (Signed) Antonio Cavalier; before Rafael Perdomo, Clerk of the Court.

Other witnesses testify.

Luis Toutant Beauregard, Miguel Fortier, Juan Bautista La-
batut, Pedro San Martin and Francisco Mayronne, each in a separate declaration, corroborate the testimony given by Antonio Cavalier.

Juan Bautista Legret petitions for the Court's decree.

The petitioner sets forth that the records of the case have been delivered to him, together with the testimony taken at his instance, and considering that the depositions of his witnesses prove his representation, therefore he prays the Court to approve it in all its parts, and for greater validation and force to interpose its authority and judicial decree. Esteban Miro, on Juan del Postigo's advice, receives this petition, and later decrees.

Decree.

In the city of New Orleans, on August 3, 1785, Estevan Miro, Colonel of the Fixed Regiment of this Place and Governor here, having examined these records, said that he must accept and does accept, as sufficient, the testimony given for Juan Bautista Legret and declares him a citizen and resident of this city and grants him the privileges that are conceded to all the rest of the inhabitants and merchants of New Orleans, for which he interposes and does interpose his authority and judicial decree, inasmuch as he can and must by law. For this is his decree, thus he has provided, ordered and signed, to which the Escribano attests. Assessor's fees 3 pesos. Received. (Signed) Estevan Miro; Licenciado Postigo; before Rafael Perdomo, Clerk of the Court.

The petitioner prays for a taxation of costs.

Juan Bautista Legret sets forth that, considering the testimony given by his witnesses has proven his qualifications to become a citizen, may it please the Court to order a taxation of costs and that the present Escribano provide him with a certified copy of these proceedings, authorized in due form and in a manner that may have credit, which he needs, and he will promptly pay all legitimate fees. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed in all.

Notification, acceptation and oath.

On the said day (August 4, 1785), the Escribano notified Luis Lioteau, Public Taxer, of his appointment, and he said he accepted and did accept, and swore by God and the Cross, according to law, to proceed well and faithfully with the taxation he has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteau; before Rafael Perdomo, Clerk of the Court.

Taxation of Costs.

1 real.

On September 15, 1785, Luis Lioteau taxes costs at 11 pesos

(To be continued.)

